



# **JUVENILE DELINQUENCY**

**(PROVIDENCE COMMUNITY HEARINGS AND  
OBSCENE AND PORNOGRAPHIC MATERIALS)**

---

~~HARVARD COLLEGE LIBRARY~~

DEPOSITED BY THE  
UNITED STATES GOVERNMENT

FEB 20 1956

## **HEARING**

BEFORE THE

**SUBCOMMITTEE TO INVESTIGATE**

**JUVENILE DELINQUENCY**

OF THE

**COMMITTEE ON THE JUDICIARY**

**UNITED STATES SENATE**

**EIGHTY-FOURTH CONGRESS**

**FIRST SESSION**

**PURSUANT TO**

**S. Res. 62**

**INVESTIGATION OF JUVENILE DELINQUENCY IN THE  
UNITED STATES**

---

## **PART 2**

---

**NOVEMBER 8, 1955**

---

Printed for the use of the Committee on the Judiciary



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1956

## COMMITTEE ON THE JUDICIARY

HARLEY M. KILGORE, West Virginia, *Chairman*

JAMES O. EASTLAND, Mississippi  
ESTES KEFAUVER, Tennessee  
OLIN D. JOHNSTON, South Carolina  
THOMAS C. HENNINGS, JR., Missouri  
JOHN L. McCLELLAN, Arkansas  
PRICE DANIEL, Texas  
JOSEPH C. O'MAHONEY, Wyoming

ALEXANDER WILEY, Wisconsin  
WILLIAM LANGER, North Dakota  
WILLIAM E. JENNER, Indiana  
ARTHUR V. WATKINS, Utah  
EVERETT MCKINLEY DIRKSEN, Illinois  
HERMAN WELKER, Idaho  
JOHN MARSHALL BUTLER, Maryland

SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY IN THE UNITED STATES

ESTES KEFAUVER, Tennessee, *Chairman*

THOMAS C. HENNINGS, Jr., Missouri  
PRICE DANIEL, Texas

WILLIAM LANGER, North Dakota  
ALEXANDER WILEY, Wisconsin

JAMES H. BOBO, *General Counsel*

## C O N T E N T S

	Page
<b>Statement of—</b>	
Cronin, John P., director of recreation, city of Providence, R. I.-----	435
McCage, Judge Francis J., judge of the juvenile court, Providence, R. I.-----	443
Murphy, John A., chief of police, Providence, R. I., accompanied by Lt. William E. May, chief, juvenile bureau, Providence Police Department, Providence, R. I.-----	437
Reynolds, Mayor Walter H., mayor of Providence, R. I.-----	431
Roberts, Gov. Dennis J., State of Rhode Island-----	422
Williamson, Arnold, assistant United States attorney, district of Rhode Island-----	505
<b>Testimony of—</b>	
Caporicei, Nicholas, Cranston, R. I.-----	519
Murphy, Detective James, Poughkeepsie Police Department, accompanied by Detective Francis Doerr, Poughkeepsie Police Department, Poughkeepsie, N. Y.-----	511
Simon, Harry J., postal inspector, United States Post Office Department, Washington, D. C.-----	498
Taey, N. A., district manager, bureau of post-office operations, Providence, R. I., accompanied by E. A. Craugh, postal inspector, and Edgar La Vault, postal inspector-----	454
Temkin, Jacob, former United States district attorney, district of Rhode Island-----	479

## EXHIBITS

### *Number and summary of exhibit*

1. Report of the Third Annual Governor's Conference of Children and Youth-----	1 424
2. Sound mental health—good moral standards-----	1 424
3. Copy of S. Res. 89, 83d Congress, 1st session, and copy of the resolution authorizing the subcommittee to hold hearings in Providence, R. I.-----	2 450
4. Copy of a check payable to Calvin Sugarman in the amount of \$450 and signed by Robert Adams-----	2 459
5. Affidavit made by Mary Dorothy Tager-----	2 471
6. Letter dated October 31, 1955, addressed to Hon. Herbert Brownell, Jr., from Senator Estes Kefauver-----	2 477
7. Affidavit of Leo Vine, dated December 10, 1955-----	2 524
8. Statement of Jacob S. Temkin, made under oath on December 12, 1955-----	2 525
9. Letter of H. J. Simon, postal inspector, dated December 20, 1955-----	2 528
10. Letter of E. R. LaVault, postal inspector, dated December 27, 1955-----	2 529
11. Letter of E. A. Craugh, postal inspector, dated December 27, 1955-----	2 529
12. Letter of Nelson A. Tracy, district operations manager and for post office inspector-----	2 530

<sup>1</sup> On file with the subcommittee.

<sup>2</sup> Printed in the record.



## JUVENILE DELINQUENCY

### (Providence Community Hearings and Obscene and Pornographic Materials)

---

**TUESDAY, NOVEMBER 8, 1955**

UNITED STATES SENATE,  
SUBCOMMITTEE OF THE COMMITTEE ON THE  
JUDICIARY TO INVESTIGATE JUVENILE DELINQUENCY,  
*Providence, R. I.*

The subcommittee met, pursuant to notice, at 9:50 a. m., in the courtroom, Federal Building, Providence, R. I., Senator Estes Kefauver (chairman) presiding.

Present: Senator Estes Kefauver.

Also present: Representative John E. Fogarty; Peter N. Chumbris, associate counsel; H. Patrick Kiley, investigator; George Martin, investigator; and William Haddad, consultant.

Chairman KEFAUVER. The meeting will come to order.

This is a subcommittee of the Senate Judiciary Committee, charged by the Senate of the United States with the purpose of investigating problems of juvenile delinquency and of reporting to the United States Senate on what conditions we find, what Federal legislation or what action by any of the executive departments might be helpful in giving our children a better opportunity and in curbing the juvenile delinquency about which all of us know so much.

This is about the 20th hearing that we have had over a period of 2 years and we are very glad to be in Providence with you at this time.

The subcommittee is composed of Senator Langer of North Dakota; Senator Wiley, of Wisconsin; Senator Hennings, of Missouri; and Senator Daniel, of Texas; and myself.

Unfortunately, because of illness or other subcommittee hearings, it has been impossible for any of the other members of the subcommittee to be here today. I do not like holding one-man committee hearings, but there was no alternative to doing so today.

We have had some members of our very competent staff here for a few days to arrange for the hearing. On my right is Mr. Chumbris, our associate counsel. Mr. Haddad is on his right. Mr. Kiley, who is with my personal staff, and Mr. George Martin, who is a member of the staff of the Senate subcommittee.

This morning our mission is a pleasant one—to find out the details of the many fine programs originating here to curb and control juvenile delinquency. I have taken occasion already to refer to some of the things that are being done in Rhode Island, and in Providence, in the field of citizen and government participation at the local level to curb and control juvenile delinquency.

On several occasions both of your respected Senators, Senator Green and Senator Pastore—and we are very glad to have had the help and cooperation of your Senators and their administrative assistants, Pat Maisono is here, who is Senator Pastore's administrative assistant—and your two forthright Representatives, Representative Fogarty and Representative Forand, have sent information to our subcommittee on Rhode Island's delinquency control projects and what is being done here. Hundreds of Rhode Island citizens have written to us and have received and commented upon our subcommittee's literature. Here we have an alert audience and a receptive audience. This is not always the case in some places we have been.

In our work to reduce juvenile delinquency we have all too often come against the stone wall of public apathy. But that is not so here. Your forward-looking officials and your outstanding newspapers, your good churches and many school people and public officials have led the fight against this apathy.

Governor Roberts, when he was mayor of Providence, initiated programs which are bearing fruit today. His belief in proper recreational facilities as a preventive for juvenile delinquency is largely responsible for the State's many active recreational programs.

If every city and State in the Union had the outstanding leadership in the fight against juvenile delinquency as you have here in Rhode Island, we would not be faced with a steadily growing delinquency rate.

The vast majority of our children are fun-loving, honest, and talented; 96 or 97 percent of our kids are the best that any ever had, God-fearing, anxious to get an education and to assume their responsibility as citizens.

Yet for all of this, last year almost half a million children came before our courts. A million and a third youngsters got into trouble with the police. The rate has been constantly increasing over the past 5 years. Those under 18 years of age committed 58 percent of all the automobile thefts in the country; 49 percent of all of the burglaries. This was a 10 percent increase over 1953 and marked a 58 percent increase in juvenile delinquency since 1948.

It is distressing to find, as one study has found, that the largest number of delinquents come before the courts for the first time when they are merely 10, 11, 12, or 13 years old. For them, this was their first step along the road to a warped life. This was the time society should have come forward to help them. Too often society missed this challenge.

I honestly believe most delinquents can be saved through understanding treatment. Certainly at the tender age of 11, there is still time to correct a child's antisocial conduct.

Much of this needed help must come from within the family circle. But help must also come from the community, and from the school, and from the church. That is why it is so important to operate programs on the neighborhood, the city, and the State level.

Many sections of this Nation are groping around, attempting to find the right answer to their juvenile-delinquency problems. This subcommittee feels that we have been of some help and that we can help them find the right answers by promulgating the details of projects which have successfully solved delinquency in other sections.

This afternoon our mission is a lot less pleasant. At that time we will continue our investigation of one of the worst rackets in the United States today, that of pornography—and in talking about pornography I am not talking about the borderline cases where freedom of the press might be involved; I am talking about plain dirt and filth which is degrading to our adults, let alone to our young people.

At our New York and Los Angeles hearings psychiatrists told us that certain forms of juvenile delinquency were definitely linked to pornography. We found that not only do children readily obtain this filth, many times it is peddled to them even at schools when they are taking their recreation, but they all too often actually are tempted into making pornographic films and pictures. Their youthful innocence is being exploited by unscrupulous adults who are willing to pervert the youth of this country in order to make a few fast dollars.

Our hearings have helped reveal the scope of this business, and it is an alarmingly big business. Early estimates place the yearly traffic in this insidious filth at from three to four hundred million dollars. When I first heard that figure I was astonished, I couldn't believe it; but, as we have found, businesses in several places where the business amounts to more than a million dollars, some places two or three million dollars, it is easy to understand. Our subcommittee staff now speculates that the yearly business may run as high as half a billion dollars.

Some pornographers enjoyed immunity from proper punishment because of gaping loopholes in the Federal law. Some of these loopholes have already been closed. For instance, we found that while there were Federal laws against using the mails to send certain types of literature from one State to the other, that there was no law against placing a bundle in an automobile or a truck and carrying it from one State to the other. Fortunately, as a result of the work of this subcommittee, that loophole has now been plugged.

Legislation that will close other loopholes has also been suggested to the Congress and several bills are now pending in the Senate.

Our investigations also revealed how this pornography reaches the hands of our children. It is this phase of the investigation that brings us particularly to Providence.

During our California hearings in June of this year, we found that mail-order pornography accounted for a sizable share of this pornography business. We found, also, in June of this year that an operation in Providence was closely tied in with a national operation, and at that time I stated we would have a hearing in Providence during this year.

Nine-year-old children have received these materials through the mails. The psychiatrists have said that the unsuspecting children all too often believe the abnormal acts they view in the literature; they believe that they are normal.

We have also found that in 10 years there has been something like a 90 percent increase in sex crimes, which psychiatrists lay to a considerable extent to this traffic in pornography. Of course, pornography is but one small part of our entire study. A committee like ours can only throw the spotlight of public opinion on some subjects. We have neither the money nor the time to devote to following through on all the revelations. Others, in and out of Government, must finish

the job. Those out of Government can plead "no action," and pay only the penalty of their conscience; those in Government who have responsibilities have other penalties to pay. There can be no excuse for them not doing their duty.

I want to express my appreciation to Judge Edward W. Day, and the clerk of the court, Mr. Murphy, for the use of the courtroom and for other help that they have given us; and to Judge John P. Hartigan for the use of his court chambers. Then to Mr. Proctor, the United States marshal; Mr. Pyne, the deputy marshal; Edward Curran and Edward Brennan, the deputy United States marshals, and many others, whose names I will mention later, our thanks for their help and their cooperation.

Mr. Chumbris, who is our first witness?

It is a great pleasure to have with us today as our first witness the distinguished Governor of Rhode Island, whom I have had the honor of knowing for many, many years, and whose work in this field and in other fields I have kept in touch with. Governor Roberts, we are certainly honored to have you and we appreciate your cooperation with our committee.

You have a prepared statement and after that we might have some discussion about particular subjects.

Governor ROBERTS. Fine, Senator.

Chairman KEFAUVER. Governor Roberts, do you have some copies of your statement?

Governor ROBERTS. I think there are some copies. We will have them in a few minutes; they are on their way down, Senator.

#### **STATEMENT OF GOV. DENNIS J. ROBERTS, STATE OF RHODE ISLAND**

Chairman KEFAUVER. All right, sir. If you will proceed.

First, Governor, tell us, before becoming Governor of Rhode Island you were the mayor of Providence for a number of years; were you not?

Governor ROBERTS. That is right. I was mayor of Providence from 1941 to 1950. And then Governor of the State of Rhode Island from 1951 until the present time, Senator.

I have a prepared statement to read to the subcommittee, but before doing that, as Governor of the State of Rhode Island, I would like to welcome you and the members of your staff to our State. The work of this subcommittee for the past 2 years has been followed by me and many people throughout the country, as there is no more important concern of Government than the children of our country and our State, their well-being, and their potential as mature, well adjusted, God-loving citizens.

The children and youth of our communities today will be those who will make our laws, operate our factories, run our businesses, and populate our professions tomorrow. Our basic moral and family concepts as formulated today will in large measure determine the heritage they pass on to the next generation.

We in Rhode Island are proud of our children and youth. Less than 1 percent of them become violators of our State's laws. The positive, healthy attitudes and actions of our youth have clearly demonstrated time and time again through the activities of boys'

clubs, Catholic Youth Organizations, YMCA, YWCA, summer camps, 4-H Clubs, little league baseball, junior police, and a multitude of other activities in which the children of our communities are participating.

The junior activities of the youth of our community clearly demonstrate that they have the imagination, the diligence, and the fortitude necessary to the development of mature and substantial adults.

I think it is unfortunate that there are so many critics who publicly vilify and indict the youth of this country as a collective unit. A more timely and hopeful viewpoint was recently enunciated by the Most Reverend Russell J. McVinney, bishop of Providence, when he said:

If some youths do not live up to the high ideals given them at home and in school, it does not mean that the entire generation is wrong.

In support of this view, we in Rhode Island were recently treated to a most remarkable observance of Halloween, in which evidence of destruction and vandalism was almost totally absent. This splendid achievement is due to positive programs for the entertainment of the youngsters by numerous public, private, and church groups, and an emphasis by parents on a positive approach to the celebration of this occasion.

Chief Judge Francis J. McCabe of our statewide Rhode Island juvenile court, defines juvenile delinquency in a most profound and substantial manner. Justice McCabe said, and I quote:

Juvenile delinquency in legal term denotes only that a young individual has committed a certain act in violation of the law. The label "juvenile delinquency" is no more enlightening about the basic difficulty handicapping the child than the term "insane" is for the mentally disordered \* \* \*. Neither term is any indication of the dynamics of his behavior, it merely serves to describe his condition. With regard to delinquency, it ignores the cultural patterns and mores, all of which are relevant to the causation of the behavior so described. Child behavior is the product of many diverse forces which stem from within the child's own makeup as well as from the environment in which he lives. It is generally agreed that delinquent behavior is not the result of any single factor within the personality of the child or of any single influence of his environment. Juvenile delinquency constitutes an individual, complex, and many-sided phenomenon arising out of individual needs and desires. Its roots reach deep into the conditions that cause social and personal maladjustments.

I have taken time to read into the senatorial record these expressions of Judge McCabe, for therein he has succinctly stated the problem in accordance with our views in Rhode Island.

Three years ago, as Governor of the State of Rhode Island, I recognized the need within our State of bringing together all people concerned with the subject of children and youth. I did this, not because of my great alarm or apprehension over the incidents of delinquency among our children, but rather to do some stock taking and self-evaluation on a statewide basis. This was done through the medium of the annual Governor's conference on children and youth. The first such conference was entitled "Juvenile Delinquency."

The purpose of our annual Governor's conference on children and youth is to stimulate interest within our communities in the various problems of children and youth and to aid in interpreting and publicizing the problems relating to all Federal, State, local, and private agencies serving our young people. Experts from many sections of the country participate in these conferences.

Such was the spontaneity of the response to the committee responsible for collection of the material used that we followed with a second

program last year centered about sound mental health—good moral standards. This year, only 2 weeks ago, our annual conference concerned itself with opportunities and responsibilities of children and youth in Rhode Island.

I have with me copies of the reports which contain the activities of the annual conferences for the first 2 years. I would appreciate their being introduced into the record. At this time I would like to offer them, if it is permissible.

Chairman KEFAUVER. We are glad to have them, Governor. They will be filed as exhibits to our record.

Governor ROBERTS. Thank you, Senator.

(Report of Third Annual Governor's Conference on Children and Youth, was marked "Exhibit 1.")

(Sound Mental Health—Good Moral Standards, report of the Fourth Annual Governor's Conference on Children and Youth, was marked "Exhibit 2.")

Governor ROBERTS. Your committee will note that these reports are designed to highlight the accomplishments and the services, both public and private, to children and youth throughout our State.

I believe that the problem of juvenile delinquency is the concern of all. It can and must be dealt with, in an intelligent, understanding, and constructive manner. The forces of education, psychiatry, social service, police, courts, recreation, housing—all have their impact on children, either positive or negative. We must make their impact positive. Many of these same forces when applied to the children in the setting of their homes, the church, and the school, form the culture and behavior patterns of their whole lives. To this end we need not only well-trained personnel but also dedicated people in all areas providing service to children.

It is my firm belief that every child has a need of, and a right to, a homelife embracing the positive qualities of love, security, and guidance. These qualities are strong and real. If they are provided in abundance, combined with spiritual direction, as obtained through religious activities and love for one's God, the children will possess the basic ability to withstand the pressures that make for delinquency.

Within the framework of the State government, substantial contributions can be made in the preventive field of juvenile delinquency. We had this in mind in Rhode Island when we established the division of mental hygiene services within the department of social welfare 5 years ago. Many of the activities of this division in developing a sound mental-health program are concerned with services to children. Let me review briefly some of these activities.

First, two psychiatric clinic teams are engaged in a broad education program throughout the State. They meet with civic groups, such as the Parent Teachers Association, and nursing groups and discuss with them how to recognize emotional problems of our children in the early stages and what to do about them. In this way professional people engaged in mental hygiene are actively creating an awareness among our general citizenry of behavior symptoms that frequently lead to delinquency.

Second, within the mental-hygiene services of our State government are provided consultative services to school departments throughout the State. Working with school personnel, such as teachers, attendance officers, principals, and superintendents, the need for early recognition

of behavior disorders is brought out. After recognizing symptoms of such behavior problems in children, and discussing these matters with their parents, referrals are made to our mental-hygiene community clinic for prompt professional diagnosis and treatment.

Third, the mental-hygiene community clinics which are part of our mental-hygiene services provide psychiatric and psychological services to our children wherever the need is indicated. The sources of referral are varied. Children come to the clinic largely through school departments, social agencies, local physicians, the clergy and, in many instances, through parental referrals. Other children are referred to the clinic by the juvenile court, the departments of health and education, and the division of probation and parole. The community clinical team, including the clinical psychiatrist, psychiatric social worker, and other thoroughly trained personnel, participate in evaluation conferences on each case referred, in order to determine the kind of help that might be best for the child. Most cases are accepted for treatment or for psychological or psychiatric testing.

Fourth, Rhode Island also has a child-guidance clinic in operation at the Dr. Patrick I. O'Rourke Children's Center in Providence. The children's center is a State institution providing group living experience for dependent and neglected children, and also serves as an agency for diagnosis. The juvenile court utilizes the services of this agency for placement of many children prior to legal disposition of the child's immediate or future plans for living. The child-guidance clinic develops a social portrait of the child pointing up his needs, strengths, and weaknesses. This study is made available to the court and to the social worker working with the child.

By means of these services and in individual care and treatment many children, who otherwise might become delinquent, are placed in foster homes or in other suitable living arrangements and are able to develop in a normal and healthy manner. We consider this emphasis on mental-hygiene services as a positive, aggressive, and preventive program with respect to juvenile delinquency.

Other State agencies play an important role in this field. Our statewide probation and parole services of the department of social welfare also carries on a preventive program. We have hundreds of boys and girls referred each year to the probation and parole council located in this section of the State. Such referrals come from schools, clergy, parents, and the police department. These children have not been formally presented to the juvenile court as delinquents but are considered by the source of the referral as in need of some guidance and supervision over and above that which they are receiving in their homes. Probation and parole personnel utilize the services of the mental-hygiene clinic for diagnosis and guidance in developing a constructive program for each child.

We have found an excellent response to this program and we consider it to be of great value.

There are approximately 15 probation and parole counselors assigned to the juvenile court for both preventive and corrective services. They have developed close liaison with judges, local civic leaders, Parent-Teachers Associations, and other community groups interested in the problems of juvenile delinquency.

The juvenile court itself employs a coordinator for juvenile delinquency, who conducts an additional program throughout the com-

munity by means of radio, television, press, and meetings with interested groups.

In 1951, Rhode Island established an alcoholic-treatment clinic within the department of social welfare. It is utilized by the division of probation and parole for services to many of the older predelinquent youths of our State who are in danger of becoming involved in further delinquency because of their use of alcoholic beverages. Medical psychiatric and psychitherapeutic services of the alcoholic-treatment unit have been most helpful in this preventive field of public service.

I think you may be interested in several pieces of legislation recently enacted by the Rhode Island General Assembly which bear on this problem. Because I believe that the role played by trained personnel in law enforcement is vital, I recommended to the last session of our general assembly, and it was passed, creation of a municipal police-training school. This school is located at the University of Rhode Island, and is under the direction and supervision of the Rhode Island State police. Any city or town within the State of Rhode Island may, upon application, send candidates for police training to this school and, what is more important to this hearing is, a course in juvenile delinquency is provided.

Last year the general assembly also took steps to strengthen our State laws regulating the sale and distribution of barbituates and other hypnotic drugs. Legislation was enacted which makes the illegal sale to or possession by any person under 21 years of age of any such substance a very serious offense.

Two other pieces of legislation which were passed by the last general assembly should be mentioned in connection with protecting our children. The first is a revision of the Rhode Island adoption law, strengthening the role of the juvenile court and other child-welfare services in the adoption and home-placement procedures.

The other is an act creating a special commission to study the whole field, within the State, of the publication, sale, distribution, or possession of comic books, magazines, and publications, with particular reference to its effect upon minors. I appointed this commission in July and it is now studying a preliminary report and preparing recommendations to be presented to the general assembly not later than February 15, 1956.

Preventive programs, as we all agree, can be best initiated at the municipal level. Our cities and towns are engaged in a concentrated effort to meet the problem. Providence, for example, has an outstanding and comprehensive program of organized recreation which integrates the use of all appropriate municipal facilities. This programmed activity includes the utilization of schools, playgrounds, swimming pools, parks, social agencies, and a police-sponsored summer camp.

Despite these efforts, there are still many unmet needs in providing organized recreation. Expansion of municipal facilities is vital. I believe that one method of meeting these needs would be to provide multiple-use recreational facilities in conjunction with our new schools. Provisions should be made for the acquisition of sufficient land and equipment for community recreation in conjunction with the building of the school proper.

To this end, I strongly urge that your committee seek legislation enlarging the proposed Federal aid-to-education program for school

construction to include the acquisition of additional land and facilities for organized recreation. I recognize that this plan involves multi-million-dollar appropriations, but I submit that it is a positive approach to the basic problem. In this way, we will guarantee recreation, not only for the schoolchildren while in school, but a total community program for children after school hours.

I think this is extremely important, Senator, for this reason:

Many of our children become delinquent because of environment circumstances—they are living in substandard dwellings, crowded conditions; they have no opportunity for guidance or training within the home; they are put on the streets. An adequate recreational program in a community, with sufficient plant and trained personnel meeting the standards of the National Recreation Association, will give that child direction, guidance, and strength, and will eliminate the vulnerability that exists in the environmental circumstances that confront many children in the urban areas of the United States.

I see also in this proposal a recreational outlet not only for our youth, but also for the aged and handicapped, as well, who are equally in need of leisure time activity.

Senate bill 728, introduced by you and Senators Hennings and Langer, providing for raising the level and expanding the function of the United States Children's Bureau, the creation of a Federal Advisory Council on Juvenile Delinquency and the granting of Federal assistance in cooperation with the States, should be considered and enacted at an early date. I feel that this legislation would greatly assist in diminishing the incidence of juvenile delinquency.

I have not attempted to review all we in Rhode Island are doing in the field to help our young people live better lives. It has been my purpose to point out to you and your committee some of the programs in which we are engaged for the prevention of juvenile delinquency. The Federal Government can provide support, encouragement, and leadership in this field. Our children and youth possess great strength, ability, and the basic drive to move in a positive direction.

Government at best plays a secondary role to the home, the church, and the school in the development of the character of our youth. This role is, nevertheless, of vital importance in the prevention of juvenile delinquency. It is our duty to constantly review and improve governmental programs and activities in this field. In Rhode Island, this is our aim and our goal.

Rhode Island is grateful to you and your committee, and eagerly looks to your recommendations to the Congress to alleviate the problems and the conditions that induce delinquency in the youth of this community and this country.

Chairman KEFAUVER. Governor Roberts, you have made a good statement of a very excellent program. I want to thank you very much.

The program that you have here in Rhode Island, the accomplishments that you have made, will be contained in our hearings and in our report which will, of course, be disseminated and studied and read by public officials all over the United States. I think you are doing many things here from which others will secure an inspiration.

I think I should comment that your statement that only 1 percent of the youth of Rhode Island has come in contact with the courts or might be placed in what we would call a juvenile delinquency class is,

I believe, the best we have heard of any State in the Nation, and the people here are certainly to be congratulated upon it.

I should have said in the beginning that the committee, early in its work, secured on a loan basis from Governor Roberts and the State of Rhode Island, the services of Mr. Harold Langlois, of your department of social welfare. He has helped us a great deal in our early work.

Governor Roberts, I want to ask you 1 or 2 questions.

Governor ROBERTS. Yes, Senator.

Chairman KEFAUVER. I am glad of your interest in Senate bill 728 to which you referred on page 6 of your statement.

About the only thing the Federal Government can do outside of the field of interstate commerce and narcotics and things of that sort, is to try to furnish some guidance and some example; and this bill, I think, as you have set forth here, would be of some assistance.

Mrs. Elliott of the Children's Bureau is doing an excellent job, but the Children's Bureau is a branch of a branch of the Department of Education and Welfare. The welfare of our children, in our opinion, makes it necessary for us to first bring together all of the groups dealing with children and to give them status so that they can perform; and we appreciate your support of that.

We want you to know, also, that this committee has strongly recommended Federal aid program for school construction. We had a hearing devoted entirely to education down at Nashville, Tenn. There the consensus was that unless we spent money for schools we were going to spend money for penal institutions in the years to come.

I am very much interested in the State law that you have and the course that you have for municipal police training school, and the fact that you do have a juvenile delinquency division.

Would you tell us, sir, some more details about how your law handles the barbiturate problem, which you referred to on page 5 of your statement?

Governor ROBERTS. The law that is referred to there, Senator, was passed in the last session of the general assembly, and it places greater responsibility upon those who legally dispense with the barbiturates and material of that type, and puts a very severe penalty upon it. The emphasis was on the penalty, in the theory that it would deter the indiscriminate sale and ability to get into the possession of people who should not have the barbiturates or other hypnotic drugs.

Chairman KEFAUVER. We have read with much interest the fact that you have strengthened your adoption laws in Rhode Island. We had a hearing about 7 or 8 months ago in Chicago, in which we found that in some States there was no regulation whatsoever of placement agencies, no requirement for an examination of the home or the character of the adoptive parents, the suitability of the parents for the child, and we found that many thousands of children were being placed in homes where they were simply not suited; on a black-market basis.

You have adopted what I believe is substantially the national uniform adoption law; is that correct?

Governor ROBERTS. That is correct, Senator.

Chairman KEFAUVER. Requiring, first, examinations of the homes and supervision, and then a checkup before and after adoption?

Governor ROBERTS. That is right, Senator.

Chairman KEFAUVER. That would certainly do a lot of good.

I notice, also, the commission that you have to study comic books. I don't know if the public here generally knows, but in our hearings on the comic book industry we found that every month 100 million comic books are passed around, being printed and distributed. Of those 100 million, about 80 million are all right; some of them are truly funny and some of them may be even helpful; but about 20 million of them are, up to some time back, depicting death or violence or brutality, disrespect for the police, for parents.

We had testimony in several places that juvenile crimes could be traced back exactly to reading some comic book. Of course, usually the law comes out successfully, but that is in the end and in very fine print.

The comic-book industry is apparently trying to clean its own house, but I hope that your commission here will come up with some worthwhile legislation which certainly is needed.

Governor ROBERTS. We have as chairman of the commission, Senator, Mr. Clarence Sherman, who is librarian of the central library in the city of Providence, and a group of men and women who have displayed a rather deep interest in the welfare of our youth in this area. They are about to publish a report there, going over the rough draft of the report. It should be available in another 2 weeks. I am certain that they will make available the report in sufficient copies for your committee.

Chairman KEFAUVER. We would like very much to have a copy.

Governor ROBERTS. I had experience with practically the same group when I was mayor of Providence some years ago, and they did a very thorough job. They had to recognize their limitations as a committee; they didn't get into censorship. They were cognizant of the freedom of the press and so forth, but they did by calling in the representatives of the industry that distributed their books here in the State of Rhode Island, they got pretty good cooperation in most instances. I think out of 7 or 8, only 1 was reluctant to give full cooperation. It was a great improvement.

That same group, not identical, but the majority of them are now working and will have that report.

Chairman KEFAUVER. We certainly would like to have a copy, because many States have tried laws on the subject of comic books; some of their laws have been good and some laws have been bad. So I think it is a pretty good idea to study the whole problem before trying to get into the field of legislation.

I am interested, also, in the governors' conference on children and youth. When was this established, Governor Roberts, and tell us something about the makeup of the membership of the conference, how it is selected?

Governor ROBERTS. The governors' conference, originally the concept comes out of the White House Conference on Children and Youth that was called by President Truman some 4 years ago. As a result of that conference each State was supposed to set up a governors' conference on children and youth.

Here in Rhode Island we did it under the leadership of Father Lamb, who was head of the Diocesan and Social Service. The composition of the commission is made up of people who deal with youth, school, parent-teachers, juvenile court, those in the mental health

program, those in the service clubs. It is a representative group making up the governors' commission, and then down below that each community has a group made up of people who have an interest and an ability through their positions and their activity in the community to have an effect on the children and youth, whether it be in the psychiatric, the medical, social, recreational, school, home, church, or whatever the activity might be.

They coordinate and evaluate the services in a community, and they try to create a grassroots movement to improve these various services that will in time give opportunity to youth and prevent delinquency.

If I may, Senator—

Chairman KEFAUVER. How is it financed, Governor?

Governor ROBERTS. It is financed by the State. The cost is very nominal. The effort and the greatness of the committee is the dedication of its membership. They have a sincere interest, and they give their time and effort and their accomplishments have been good in my opinion.

If I may say, Senator, they point up, or this governors conference has pointed up, and I think all individuals that have a concern in this area in the State of Rhode Island have come to a realization that the child in a normal home, with the love and affection and the guidance and the direction of sound parents, the religious training, good school activity and so forth, does not become a delinquent; he has the basic strength that is given to him in the home and the church and the school.

Delinquency many times come about because of a physical vulnerability or a mental vulnerability, or because the child just does not have opportunity in his community by reason of his environment, because of low income, because of habits of the parents, and so forth, the child may have a very poor environment. There are many areas of the great cities of the United States where the child is living 7 and 8 in 2 rooms. He has no opportunity for homelife. He eats and sleeps at home and then he is sent to school; then he is put on the street.

Now, the cure for that is adequate recreational facilities and personnel that are trained, that are not merely going into the recreational field for a job, but that have an interest and a dedication, a little more than a recreational worker, who has the capacity, perhaps, of a social worker, if I may use that term.

If you have that in a community, you make up for the loss, or you make up for the vulnerability that exists in the lack of proper environment for our children. If you meet that need, why then, I think you will cut down the incidents of juvenile delinquency in the urban areas of the United States of America greatly.

That is why I have emphasized and why I perhaps presume upon your time to mention this again. I think if the Federal Government, with its school program, would consider in the construction of school plant sufficient gymnasium space, locker space, rooms where arts and crafts and other programs can be carried out after school hours by a personnel known as recreational workers and meeting the standards of the national association, that then you will provide the child with the opportunity, with the incentives and with the outlets that he

needs in his formative years, in his school years, here in this community and other communities.

I think it is one of the greatest contributions the Federal Government can make. The local communities cannot do it because they are having a difficult time to finance their general operations at present.

Chairman KEFAUVER. Governor, in my opinion, at least half of the bigtime racketeers and criminals would have been good citizens if they had had different environments, a little different chance early in their lives. They cost society a great deal now. A little money spent then might have saved society not only a lot of grief but even substantial amounts of money which now has to be spent for penal institutions.

We certainly are grateful to you, Governor Roberts.

Governor ROBERTS. Thank you very much, Senator.

Chairman KEFAUVER. This is an excellent statement, and I thank you for it.

Governor ROBERTS. I am grateful for the opportunity.

Chairman KEFAUVER. Won't you sit with us as long as you can here today. We would be glad to have you sit here and listen.

Governor ROBERTS. If I may, I will sit through Mayor Reynolds' statement.

Chairman KEFAUVER. Hon. Walter H. Reynolds, the distinguished mayor of Providence.

**STATEMENT OF WALTER H. REYNOLDS,  
MAYOR OF PROVIDENCE, R. I.**

Mayor Reynolds, we thank you very much for your cooperation with the staff of our subcommittee and with our subcommittee. They have told me of your helpfulness to them.

We know already of some of the things you are doing here, and I am certain your statement will be of much interest, not only to us but to mayors and people everywhere who read it.

Do you have a prepared statement?

Mayor REYNOLDS. Yes, Senator.

Chairman KEFAUVER. I don't seem to have any copies of it here. Can you pass them around?

Mayor, do you want anyone to sit with you while you testify?

Mayor REYNOLDS. No. I think they can appear later on and answer any specific questions you may have, Senator. They are more familiar with it than I am.

Chairman KEFAUVER. Mr. Mayor, how long have you been mayor of this good city?

Mayor REYNOLDS. This is my third 2-year term, Senator.

Chairman KEFAUVER. You mean you have 2-year terms here?

Mayor REYNOLDS. Two-year terms. You might be able to do something about that in your committee.

Senator KEFAUVER. I used to be familiar with that problem in the House of Representatives. It comes around awfully often.

Mayor REYNOLDS. I understand, Senator.

Chairman KEFAUVER. Before becoming mayor, Mr. Reynolds, what did you do?

Mayor REYNOLDS. I happened to be with the city about 20 years. Senator, in various capacities.

Chairman KEFAUVER. By the way, how large is Providence now, according to their chamber of commerce?

Mayor REYNOLDS. It has a quarter of a million people.

Chairman KEFAUVER. All right, Mayor Reynolds.

Mayor REYNOLDS. Thank you, Senator.

Governor Roberts, and ladies and gentlemen, I appreciate the opportunity to appear here this morning to testify before this committee on the matters of juvenile delinquency. No subject could be more serious; no subject could be more immediate for it affects directly our hearts and our homes.

I shall confine my testimony to the broad aspects of the delinquency picture as I see it here in Providence. I shall leave it to those who may follow me here to cite the majority of the statistics and to reply to questions of detail, as these persons are likely, from their professional and constant contact with their subject-matter, to have a more intimate and specific knowledge than that which I possess.

I am informed that there are approximately 40,000 persons within the city of Providence falling within the juvenile-age brackets. Approximately 1,500 arrests are made annually, and of these some 500 or slightly more are deemed sufficiently serious to be referred to our juvenile court. This means that gross delinquency rate is less than 4 percent and serious delinquency involves annually less than 1½ percent of our juvenile population. I believe that compared to national trends and to trends in delinquency in other cities, this reflects a fairly good situation in this city.

At this point I should like to make it clear that I think there is no such thing as a satisfactory rate of delinquency. So long as we have delinquency, whether in greater or lesser degree, we are still confronted with the delinquency problem. We feel, however, that this is a front upon which we have made some progress in Providence, and I would like to cite for this committee some of the positive measures which have been undertaken in the community in our efforts to decrease delinquency.

We have under the jurisdiction of the State of Rhode Island an excellent juvenile court to which I have referred previously. The personnel of this court are trained and experienced individuals who have dealt with the problems of youth over the years with firmness and understanding.

We have within the Providence Police Department a division of juveniles which is manned by specialists and which is assigned exclusively to work with juveniles. Comprising a strength of 22 men and 4 policewomen, this division is on duty 24 hours a day, and constitutes a powerful deterrent to prospective delinquents. The record of delinquencies and crimes cleared by arrests through the work of this division and through cases referred to this division appears to me to illustrate both its constant vigilance and its continued value.

We have had no experience and no problems with the drug traffic which in this city does not appear to involve juveniles. Sex crimes and crimes of violence are, on the whole, an extraordinary occurrence. Organized gangs and gang warfare of which we read in other cities are here practically unknown.

We have, as do all communities, continuing problems with motor-vehicle offenses, theft, breaking and entering, larceny of automobiles—most frequently where a careless driver leaves a key in the ignition—

and with vandalism. We seek earnestly to combat and reduce the commission of crimes in these categories.

Up to this point I have directed my remarks chiefly to the detection of delinquencies and crimes, to apprehension of the offenders and to the disposition of cases cleared by arrest. I would like to call your attention briefly to the prevention of delinquency and crime, which to us here in Providence is a matter of paramount interest.

The Providence Junior Police Camp, a resident summer camp maintained by our recreation department in cooperation with the police department, gives to nearly 400 boys in the underprivileged group, many of whom might become problem cases, a healthful period of good food and good environment. The opportunity to work constructively with boys which is afforded by this venture has proved extremely worthwhile.

During the summer of the city of Providence operates some 42 neighborhood playground programs and throughout the year 5 indoor centers, and 6 school centers during fall, spring, and winter, all dedicated to keeping youth constructively employed. In connection with these centers our recreation department has developed a unique program through which the division of juveniles actively enlists many problem-area juveniles for specific sports and projects, thus channelling their interests and activities along healthful and socially oriented lines.

Over the past years of my own administration, and that of my predecessor, new playgrounds and playfields have been acquired, and the city's appropriation for recreational operations and programming has been sharply increased with the dual purpose in mind of providing both the usual and normal recreational activities and affording at the same time a particular and productive method of working with the problem youth.

While I am upon this subject of prevention of delinquency and crime, I should be remiss, indeed, if I did not admit the tremendous debt of gratitude to the many private, religious, and other nongovernmental agencies in this city, which, through cooperation with us, and in their own private and individual programs, have done an admirable amount of work in the prevention of delinquency and crime. I shall not take your time to enumerate each of these agencies. All have taken a vital interest in the problems of delinquency in this city and have worked tirelessly for the benefit and welfare of youth.

Approximately a year ago, a Providence committee composed of members of our city council and citizens of this city, including both clergy and laity, undertook a study of the delinquency problem in Providence. From the report of this committee which has now been submitted, I find very little pointing with alarm and a great deal of good common sense.

It may interest this committee to learn that perhaps the most damaging criticism included in this report was directed to the failure of the public-housing projects to provide recreational and community-center facilities in large housing developments. The report makes certain recommendations, such as a committee to screen literature and comic books which has since been appointed by the Governor of this State. Additional recommendations were made with respect to the place of the school in the delinquency problem and the role of the parent and the home. All of these are important matters and will receive continued attention.

In conclusion, permit me to say that while we are in no sense satisfied with the juvenile delinquency problem in Providence, we feel that we are approaching it in a positive and a constructive manner. It is my hope that this testimony and our results may be of interest to your committee and perhaps also to other cities which have been less fortunate than ourselves.

Chairman KEFAUVER. Mayor Reynolds, thank you very much for giving us a good review of what you are doing here in Providence, and of the enlightened programs, and also for admitting that you are not fully satisfied with everything and that there are more things to be done.

Mayor REYNOLDS. Right.

Chairman KEFAUVER. I am interested in your attitude toward public-housing projects not providing sufficient recreational and community-center facilities. We have had that same complaint in other places.

Whose responsibility, whose fault is that; what should be done about it?

Mayor REYNOLDS. A bigger appropriation by the public-housing officials, of course, could accommodate that. But maybe the city should pick up in those places where there are no adequate facilities for recreation.

Chairman KEFAUVER. There has been a tendency both in the administration in the Congress down in Washington to just think only or largely about room space in connection with public-housing projects and cut down on what I think is equally important, the recreational facilities, which I think is a very shortsighted viewpoint. Don't you think so?

Mayor REYNOLDS. Yes, Senator.

Chairman KEFAUVER. But then, of course, the city itself could do something about that if it would pick up the—

Mayor REYNOLDS. I believe if we had sufficient funds we probably should do that.

Chairman KEFAUVER. How do you get along in getting funds for your youth programs here? Do you find apathy of the citizens and the appropriating bodies, or do you get as much money as you want?

Mayor REYNOLDS. I think we get all the money that is available, Senator. We have a budget of about \$30 million, and I think it is proportionately well financed for the recreation department.

I think about 8 or 10 years ago we spent \$30,000 on recreation; and since Governor Roberts came into the picture, I think we are spending now over \$300,000.

Chairman KEFAUVER. \$300,000 in the city now?

Mayor REYNOLDS. Yes. And 10 years ago, it was about \$30,000.

Chairman KEFAUVER. You said here you had 42—

Mayor REYNOLDS. 42 play areas.

Chairman KEFAUVER. Neighborhood playgrounds. What are those?

Mayor REYNOLDS. They are regular ball fields and recreational fields.

Chairman KEFAUVER. Slides?

Mayor REYNOLDS. I think Mr. Cronin, my recreational adviser, would be more familiar with the details of this, Senator, if you have any specific questions to ask.

Chairman KEFAUVER. Mr. Cronin, why don't you come around and tell us about it. We are glad to have you here. Tell us about your recreational program and what you would like to do.

**STATEMENT OF JOHN P. CRONIN, DIRECTOR OF RECREATION,  
CITY OF PROVIDENCE, R. I.**

Mr. CRONIN. Well, Senator, in our recreation program, as Mayor Reynolds has pointed out, we have advanced to a great extent over the past 8 years. That was due to our new development on a year-round basis, which was instituted during the regime of Mayor Roberts. At that time, there was developed a recreation advisory committee, which has advised Mayor Reynolds and myself in the development and help of our program.

We have 42 playgrounds, and some of them are large playfields with 2 major diamonds on them, and 2 little league or softball fields, and also tot park areas.

We have a master plan——

Chairman KEFAUVER. Who supervises these playgrounds and what is your arrangement about that?

Mr. CRONIN. In the supervision of the playgrounds, Senator, we have people whose standards are high. Every person that is a director of our playground must have a college degree. It is my intent and we hope to raise recreation to the dignity of education, and then we feel that our program will have the highest type leadership possible, which to my mind is more important than facilities.

I inherently believe that our leaders must not be worried by a situation that exists today through the media of television, the press, and the radio, which tend to compound the weaknesses of our youth instead of consolidating the strengths of our youth. It is our job and our leadership's job to consolidate the strength, and in that leadership we try to imbue in all our workers a desire to lead, not by force, but by the subtle force of attraction—their attractiveness. So that we can bring people into our program.

Chairman KEFAUVER. That is a very noble ambition.

You have five indoor centers. What kind of centers are those that the mayor spoke of?

Mr. CRONIN. Our indoor centers are akin to community centers in character. We carry out a highly diversified program in those centers. We operate them, some of them, on a year-round basis; others are school centers. We have a wonderful liaison with the school department. All the schools are available for our use.

I think one major factor is this, that in the last year of Governor Roberts' administration as mayor a school was planned in which the recreation department was called in so they could work, then, with the planning division in the technical development of the school; so that the school would be community in character, in its use; that during the school day its physical education facilities could be used, in the evening, or in the afternoon and evening, by our recreation department, and that project has worked out very well indeed.

We hope that all schools in the future can be developed that way, as has been recommended by Governor Roberts in his talk this morning, sir.

Chairman KEFAUVER. Is Chief Murphy going to tell us about the junior police camp; will that come under his discussion later on?

Mayor REYNOLDS. Mr. Cronin is in charge of that.

Chairman KEFAUVER. The chief is going to testify.

Are you going to tell us about the junior police camp or do you want Mr. Cronin to?

Mr. MURPHY. I think my assistant here, who is in charge of the juvenile bureau, will be capable of answering that question.

Chairman KEFAUVER. We will save that for him, then.

Mayor REYNOLDS. I think the camp will be more properly explained by Mr. Cronin; it is more under his jurisdiction.

Chairman KEFAUVER. You just explain it a little bit, and let's save some explanation for our friend over here.

Mr. CRONIN. In 1946, the junior police camp was developed, during the mayoralty of Governor Roberts. The purpose of the junior police camp was to give boys an opportunity for camping who did not have the economic means to do so.

The camp is divided into three categories as far as the youngsters are concerned. They are all selected by the police department, the division of women and juvenile. I operate the camp technically, sir.

Now, the purpose of the camp is to prevent delinquency. In these three categories I would like to state that we do not publish two of the categories of youngsters, but I will give it here.

First, one-third of the youngsters of the 400 boys are underprivileged; they are in lower income and economic circumstances.

Another third is in the so-called twilight zone of delinquency. And that probably needs a work of explanation. Boys who are, let us assume, 12 years of age, have the physical development of a 16-year-old boy. They are immediately sought by boys of that age level, although their emotional development is not commensurate with the development of a boy of 16 years of age.

There they learn expressions that they do not have adequate ability to comprehend, yet they go back into the classroom with boys and girls of their chronological age of 12. We do what we can to channelize those boys in the proper paths of citizenship through good leadership.

The final third of the boys have unfortunately been before the courts. I have worked closely with Judge McCabe who is the chairman of our recreation advisory committee, and who has worked with me a long while in this work. In so doing, we are able to live with those boys at camp, we get to know them, and therefore provide a program for them and then follow it up in our recreation department once they leave the camp.

The junior police department work very, very closely with me in this particular field. We coordinate, we integrate our work; and we integrate the junior police camp with our recreation department. I have been able to do this more successfully in the last 2 years, when we have developed a fieldworker system, outstanding men who go through the streets at night and bring youngsters into our program who are reluctant to come into our program because they do not want to enter the group or the society pattern.

Therefore, we have been able to use the junior police camp directly in preventing delinquency, and to follow up the work there on a year-round basis in our recreation department.

I believe that answers the question unless, Senator, there are some others.

Chairman KEFAUVER. Thank you, Mr. Cronin, very much. I like your enthusiasm for what you are doing.

Now, Mayor, do you have any others? Mr. Murphy and Judge McCabe are going to testify.

Mayor REYNOLDS. Mr. Murphy will testify, I believe.

Chairman KEFAUVER. Do you want to have any of your other people come around?

Mayor REYNOLDS. No; I think that is sufficient.

Chairman KEFAUVER. Mr. Mayor, we have heard something about a Lorenzo report in connection with housing here in Providence; what is that?

Mayor REYNOLDS. That is a committee just referred to.

Chairman KEFAUVER. We will be glad to have a copy of that report.

Mayor REYNOLDS. I will be very happy to send it to you.

Chairman KEFAUVER. Thank you very much, Mayor.

We will have about a 10-minute recess and resume at 20 minutes after 11.

(A recess was taken.)

Chairman KEFAUVER. It has been called to my attention that Mr. John Frabotta, the sociology instructor at the Uxbridge High School, is here with members of his sociology class. Where did you go to, Mr. Frabotta?

Mr. FRABOTTA. Here, Senator.

Chairman KEFAUVER. They are standing in the back. We certainly appreciate your interest and your presence here today.

I met the members of your class, about 18 or 20 boys, bright-looking high school boys, and I note that there weren't any girls in the class. I don't know why; but we certainly do appreciate your being here today, and your interest.

There are some chairs and seats around if some of you want to sit down.

Our next witness is the Honorable John A. Murphy, the chief of police of Providence, R. I.

Mr. Murphy, you come around, and if you have Lieutenant May with you, of whom we would like to ask some questions and who will join in the discussion, have him come around, too.

**STATEMENT OF HON. JOHN A. MURPHY, CHIEF OF POLICE,  
PROVIDENCE, R. I., ACCOMPANIED BY LT. WILLIAM E. MAY,  
CHIEF, JUVENILE BUREAU, POLICE DEPARTMENT, PROVIDENCE,  
R. I.**

Chairman KEFAUVER. Lieutenant May, what is your first name?

Mr. MAY. William E., Senator.

Chairman KEFAUVER. What are you with the department?

Mr. MAY. I am in charge at the present time of the juvenile bureau, under the direction of Condr. Walter E. Stone.

Chairman KEFAUVER. Mr. Stone is here?

Mr. MURPHY. Not now; but he will be here later.

Chairman KEFAUVER. Chief Murphy, how long have you been chief of the police department of Providence?

MR. MURPHY. A little over 2 years, Senator.

Chairman KEFAUVER. And have you been with the department for some time previous to that?

MR. MURPHY. Since 1924, sir.

Chairman KEFAUVER. That is in the neighborhood of 31 years?

MR. MURPHY. Thirty-one years, sir.

Chairman KEFAUVER. Chief Murphy, we are very glad to have you and Lieutenant May with us. Do you have a prepared statement, sir?

MR. MURPHY. A very short one, sir.

Chairman KEFAUVER. Do you have some copies of it you can pass around?

MR. MURPHY. No; I haven't sir; just one copy.

Chairman KEFAUVER. All right, sir. You tell us about the problems of juvenile delinquency here in Providence and what you as chief of police are doing about it.

MR. MURPHY. The juvenile bureau of the Providence Police Department was organized in November 1945 by Gov. Dennis J. Roberts, who at that time was mayor of the city of Providence.

At the time of its inception, there were 3 sergeants and 7 patrolmen. The present strength of the juvenile bureau is 26 police personnel—1 lieutenant, 2 sergeants, 4 policewomen and 19 patrolmen, 1 civilian clerk and 5 matrons.

It has proven to be a valuable bureau in the Providence Police Department. The bureau operates a 24-hour-day schedule. This bureau works very closely with the juvenile court, school department, and various social agencies of the city of Providence.

We are very happy to report that there are no juveniles involved in any form in the use of narcotics in the city of Providence. However, several complaints have been investigated which revealed no foundation for a complaint.

There is very little drinking of intoxicating liquors by juveniles here, and we feel that this is due to the continued patrolling in the cafes, bars, and public amusement places where young people congregate, by the policewomen and plainclothesmen who check on all youthful looking patrons.

Another notable feature in this city in which there are approximately 40,000 boys and girls of juvenile age, is the absence of organized gangs, and we feel this is due in part to the juvenile officers who maintain a helpful and friendly attitude toward the youths in the schools, where they give safety talks, organized sport programs with the boys, and then arrange competitive games between the different sections of the city.

During the summer months the juvenile officers assist the recreation department in operating and maintaining the Providence Junior Police Camp where over 360 underprivileged and predelinquent boys are given a 2-week vacation at the seashore at no cost to their parents; the entire expense of this camp is paid by the city of Providence.

On Halloween the juvenile officers run parties for the boys and girls of the city. Since their inception, these parties have proven eminently successful, resulting in a drastic reduction in complaints relative to the willful destruction of property, so prevalent in other places.

Over 9,000 children were provided with refreshments, wholesome entertainment, and prizes were donated by the merchants of the city. These children might otherwise have been out in the street, causing damage to property and performing other mischievous pranks.

Chairman KEFAUVER. That is a great advancement, Chief Murphy. When was it you had 3 sergeants and 7 patrolmen?

Mr. MURPHY. 1945, sir.

Chairman KEFAUVER. And now you have 26 policemen—

Mr. MURPHY. Twenty-six personnel altogether, sir.

Chairman KEFAUVER. That is 4 women, 1 lieutenant—

Mr. MURPHY. Two sergeants, 19 patrolmen, 5 matrons, and 1 police clerk.

Chairman KEFAUVER. What is the difference in the budget that you had in 1945 and at the present time for this special juvenile work?

Mr. MURPHY. We operate directly on the police department budget. I cannot answer that question as far as the police department budget is concerned; I think that would have to come from the commissioner.

Chairman KEFAUVER. We found in some places that personnel assigned to the juvenile squad don't like it very much; they feel that that is a softie work, or is not a very good assignment.

Do your people have pride in the fact that they are on the juvenile squad?

Mr. MURPHY. They are very anxious to get into the juvenile squad. Right now I have applications for about 15 to get into the juvenile squad.

Chairman KEFAUVER. And so it is regarded as a special privilege if they have that opportunity?

Mr. MURPHY. That's right. And they don't like to get out of there.

Chairman KEFAUVER. That's fine.

Mr. MURPHY. If they seek promotion, they really don't want to get out, but they have to get back into the uniformed force, and give somebody else a chance to move into the juvenile bureau.

Chairman KEFAUVER. And you have a special period of training for those who go into the juvenile division?

Mr. MURPHY. Well, they are trained as they go along, from the sergeants and the lieutenants who head the division.

Chairman KEFAUVER. These 19 patrolmen, do they go largely on foot or are they motorized?

Mr. MURPHY. Mostly all on foot, sir.

Chairman KEFAUVER. We have had ever so many people tell us that as respects the juvenile, that officers on foot are much better influence than those who go by car; that an officer on foot who talks with the boys, the boys look up to him, and he has a chance to counsel them and become good friends; but if they go by in an automobile the boys are liable to say, "Well, that fellow has gotten to be a big shot, and you can't stop him and he can't stop and talk with us."

Mr. MURPHY. I think that Lieutenant May would be the one to answer that question. He is sitting right at my side here, and I would like to have him explain his department.

Chairman KEFAUVER. You tell us about it, Lieutenant May.

Mr. MAY. Senator, we have 14 of the 19 patrolmen who work days. They are in and out of the school all day long. They give 4 different

safety talks to each school throughout the entire city, 4 times a year, 2 times for each term.

Chairman KEFAUVER. What are these safety talks, what does that consist of?

Mr. MAY. Crossing highways, obeying rules and regulations. They give them small courses in the laws, in the ordinances of the city. They are in and out of the schools.

As you mentioned about the boys being acquainted with the officers, they are very well acquainted with the juvenile men. In fact, on many occasions they come down asking for references when they get to be 16 and they are looking for employment. They come down looking for a reference from the men. They know them all by their first names.

Chairman KEFAUVER. Kids are going to look up to somebody, and if they look up to a good officer that is a fine thing, you think?

Mr. MAY. That is the way we have it operating now, Senator; yes, looking up to these juvenile officers.

Chairman KEFAUVER. How about these four policewomen, you have, what do they do?

Mr. MAY. They investigate all cases where a woman is involved, or a young girl. A woman or a girl is never questioned by a man unless that policewoman is present.

In addition to that, she covers all the cafes with the police officers in civilian clothes. They cover all the cafes, bus terminals, union station, any place where juveniles might congregate. It has quite an effect on this drinking problem, which we have very little of in the city of Providence.

Chairman KEFAUVER. What is your law about serving alcoholic beverages to juveniles?

Mr. MAY. The law is that no one is to be served any alcoholic beverage under the age of 21.

Chairman KEFAUVER. Is that pretty well enforced in Providence?

Mr. MAY. Yes, sir.

Chairman KEFAUVER. That sounds like you are doing pretty well.

I was interested in what you said about there being no narcotic violations. Does that include marihuana?

Mr. MAY. I have been connected with the juvenile bureau, Senator, for the past 8 years, and up until the present time we have not had one case involving any form of narcotics or barbiturates of any form at all.

As the chief has mentioned, we have investigated several complaints which, after investigation, proved there was no foundation to them.

Chairman KEFAUVER. Lieutenant May and Chief Murphy, I am very much interested in your junior police camp. You say that is down at the seashore, and you send 360 children down for 2 weeks vacation every year?

Mr. MURPHY. That is the camp that Mr. Cronin explained to you previous to me.

Chairman KEFAUVER. Who pays for that camp?

Mr. MURPHY. The city of Providence pays for that.

Chairman KEFAUVER. Do all the kids who want to go have a chance to go?

Mr. MURPHY. Not all that want to go. Only those that are underprivileged and wouldn't have a chance to go otherwise.

Chairman KEFAUVER. Do you have more that should go than you are able to take care of?

Mr. MURPHY. Yes. I would say there are more that should go, but we cannot take care of the whole number.

Chairman KEFAUVER. How many do you think would like to go who should be entitled to go?

Mr. MURPHY. I think you could answer that question.

Mr. MAY. Probably another hundred or two hundred, probably.

We start off at the beginning of the camp season to send 360 boys there. But we usually end up by sending 400 to 420.

At the camp, you will always find one youngster who is down there and his friend is going, and he would like to be going, too. The way we have been operating, we send that boy.

The camp only has facilities for about 400 boys now.

Chairman KEFAUVER. That is certainly a wonderful thing for an underprivileged kid to have a chance to have a 2 weeks camping vacation.

Mr. MAY. The biggest percentage of the boys, sir, when they came back, they all gained from 4 to 9 pounds.

As the chief said, there is no cost to the boy at all.

Then during the camp, we have two police officers down there who are assistants to Mr. Cronin. And we keep changing that policeman every 2 weeks so all the boys will get acquainted with all the juvenile men.

Chairman KEFAUVER. Chief Murphy, you said something about your officers organizing games for the kids. Where is that done and how is it done?

Mr. MURPHY. That is done by the juvenile bureau, too, Senator.

Mr. MAY. We have all the seasonal sports. At the present time, we have a touch football game which is in operation. We compete with the different sections of the city. Members of the juvenile bureau operate those, conduct those games.

When the touch football season is closed, we go into the basketball season, which runs until the spring. Then when the basketball season is completed, we go into baseball. We run that until the junior police camp opens up in the latter part of June, and it keeps us busy with sports all the year round.

It has a tendency to keep the boys in with the police. We usually pick out a kid that possibly looks like he may be getting into trouble. We stick him on the team and keep him busy like that; and it has proved very successful.

Chairman KEFAUVER. Do you need more personnel to organize these recreational activities?

Mr. MAY. At the present time, we have a sufficient number of personnel to operate properly, Senator.

Chairman KEFAUVER. The mayor said that only about 1 percent of the youth or less than 1 percent—actually less than 1½ percent get into serious delinquency problems. What do you call a serious delinquency problem?

Mr. MAY. That is something, Senator, where we would send a boy to juvenile court.

As the mayor has mentioned, we apprehend about 1,500, that is both boys and girls, in the course of a year, and approximately 500 of those boys and girls are referred to juvenile court.

Chairman KEFAUVER. What is the breakdown, sexwise, what percentage of boys and what percentage of girls; or will Judge McCabe tell us about that?

Mr. MAY. I think he could, Senator, much better than I could on that.

Chairman KEFAUVER. What are usually the types of offenses which account for this 1½ percent?

Mr. MAY. We have breaking and entering, larceny, and after larceny would be assault, which mostly are simple assaults, no aggravated assaults; and in the fourth place comes the driving off without the consent, of which our mayor has already spoken and said that the driving off is done with a lot of help from the motorist who conveniently leaves his key in the switch.

Chairman KEFAUVER. The Chair is very happy to see an old friend with whom I served in the House of Representatives back in the dark, dark ages, here, Congressman Fogarty. Won't you come around and sit with us up here? We would be glad to have you, Mr. Maisono. Would you come up?

Speaking of recreation, Congressman Fogarty and I used to play paddle ball and handball down at the gymnasium.

Chief Murphy and Lieutenant May, what in your opinion are the reasons for these few number of offenses that you have? What do you think are the principal causes for this theft and what not?

Mr. MAY. For holding it down, Senator?

Chairman KEFAUVER. I mean what causes the kids to commit the offenses that they do?

Mr. MAY. Broken homes, and boys that don't have enough recreational facilities, that get out. When they are not busy, an idle mind, chances are, will bring on some kind of offense. That is why we stress the programs to keep the boys busy.

Chairman KEFAUVER. Has there been a decline in the percentage of juvenile offenses in the last few years since you have had a larger police force?

Mr. MAY. Yes; there has, Senator.

Chairman KEFAUVER. What percentage decline; do you have that?

Mr. MAY. I haven't got the percentages here, Senator. But in the past year, we have probably stepped up a lot on the motor-vehicle violations, which have increased, but that is just due to the fact that we have stepped up on the program and sent more to court, as the juvenile court welcomes referrals on a boy or a girl, and we thought this might be a means of slowing it down.

Chairman KEFAUVER. Your policemen and women on the juvenile squad, do they work with the probation officers from the juvenile court?

Mr. MAY. At times, Senator, they do; yes, sir.

Chairman KEFAUVER. Mr. Chumbris, do you have any questions you want to ask?

Mr. CHUMBRIS. I just wanted to ask one question. We found throughout the country that any area near a large body of water, either the ocean or the bay, would have difficulty with the narcotics problem.

I would like to know what means you use to keep the narcotic problem to such a low level that you do here in Providence, R. I.?

Mr. MAY. We never had any of those yet.

Mr. CHUMBRIS. Do you have an adult problem of narcotics?

Mr. MAY. I wouldn't know too much about that. I doubt that there is much of that.

Mr. MURPHY. Not too much; no.

Mr. CHUMBRIS. It does not affect either the adult or the juvenile?

Mr. MAY. That's right. We have had none with juvenile.

Mr. CHUMBRIS. Do you have your statistics there before you, Lieutenant, your statistics dealing with the overall juvenile delinquency problem?

Mr. MAY. I have the first 9 months of this year. Is that what you mean?

Mr. CHUMBRIS. Yes. Well, we would like to have you submit it as an exhibit to your testimony this morning.

Mr. MAY. Yes.

Chairman KEFAUVER. Anything else, Chief Murphy, that you want to tell us about?

Mr. MURPHY. That is all I know of, Senator.

Chairman KEFAUVER. Lieutenant May, is there anything else you want to tell us about?

Mr. MAY. No, sir.

Chairman KEFAUVER. I certainly want to commend you on your work. I want to commend the people of Providence on having the foresight to appropriate enough money to enable you to build up your special juvenile squad as you have in these 10 years. It is certainly bringing good results.

I think it should be pointed out that the money spent for this squad is paid back many, many times over in law enforcement, less criminality, better citizenship. Don't you think so?

Mr. MURPHY. Very much so, Senator.

Chairman KEFAUVER. We are glad to have you with us.

Mr. MURPHY. Thank you very much.

Chairman KEFAUVER. Judge McCabe, we would like to have you come around.

#### STATEMENT OF HON. FRANCIS J. McCABE, JUDGE OF THE JUVENILE COURT, PROVIDENCE, R. I.

Judge Francis J. McCabe, the judge of the juvenile court.

Mr. McCABE. That is correct, sir.

Chairman KEFAUVER. You are the chief judge of the juvenile court?

Mr. McCABE. Yes, sir.

Chairman KEFAUVER. We have heard a great deal about your court, Judge McCabe, and we appreciate the information you have given our staff and our committee from time to time. We know of your work with the National Association of Juvenile Judges.

Mr. McCABE. Thank you, Senator.

Chairman KEFAUVER. Judge McCabe, will you tell us how long you have been the chief judge of the juvenile court; how it is composed, something about your work, any recommendations to this committee.

Do you have a prepared statement, Judge?

Mr. McCABE. In answer to your specific question, no; I haven't any prepared statement. I didn't know whether I was to have a prepared statement or whether I was to answer any specific questions that might be given to me.

I personally prefer the latter, and may be following my own preference. I came here without the prepared statement.

Chairman KEFAUVER. That is all right.

Mr. McCABE. In reference to your second question as to how long I have been chief judge, I have been chief judge of the juvenile court in Rhode Island here since July 1, 1944, about 11½ years.

Chairman KEFAUVER. You have jurisdiction over the entire State? Your court has?

Mr. McCABE. Territorially, we cover the whole State of Rhode Island.

The subject matter, we have jurisdiction over any boy or girl who might become delinquent, wayward, dependent, or neglected. That is as far as the juvenile jurisdiction of subject matter is concerned.

We in the juvenile court have further jurisdiction over adults, such as nonsupport, contributing to delinquency, adults who are charged with neglect, and fathers who are charged with nonsupport, either criminally or civilly under the reciprocal enforcement and support law.

We have jurisdiction, also, over all adoptions under 18 years of age, that is, where the children are under 18 years of age; all child-marriage cases; and also jurisdiction over all children that are committed to the extra school—that is the school for the feeble-minded children.

In a broad way, that is the scope of our jurisdiction. In other words, our court, I believe, was primarily set up to take care not only of the problems that might immediately affect youth but all other branches and ramifications of the problem, where it originates and where it goes, namely within the family unit itself.

I think that our law is unique in its provisions insofar as we are one of the three States in the Nation that have a statewide juvenile court; so that in many ways our court has the aspect of a family court dealing with the child who might be delinquent, a child who might be dependent or neglected, a husband who doesn't support and, outside of the community, the person who might contribute to the delinquency of this child.

We have two judges in the court; my associate, Judge Booth. We have a clerk of the court. We have three intake supervisors, and we have a prevention coordinator whose duties were mentioned previously this morning, by the Governor.

We have assigned to us from the director of probation and parole, Mr. Hagan, about 23 or 24 probation councilors, who are assigned to the various areas throughout the State. The majority of these people handle juvenile cases exclusively.

We like to think of our court as a hub of a wheel, the court being the hub and the various spokes being the public and private agencies that go out to this great thing we call the community or the State, the rim of the wheel.

Our court operates as a two-way street. Cases into court come through these spokes, or agencies, and cases are redirected to various agencies, or spokes, those agencies being equipped more adeptly than some others, or than the court itself, to effect a curative, or treatment process, for the various subjects that come before it.

In other words, our court in this State is pretty much the clearance center for many of the problems affecting children. Sometimes some people feel in this State, and as in other States, that a juvenile court in and of itself is the answer to the juvenile-delinquency problem.

The court is not an answer; the court does not sit in any ivory tower. We are accessible, both to the clients that come before us and to the general public, trying to explain to them what we are trying to achieve. But we do sit high enough in this seat for a panoramic view of just what is happening all over this State, as far as the problem is concerned.

I, too, feel very fine about the situation as far as boys and girls, and the adults, are concerned in this State; but, on the other hand, I think in this State, as in any other State in the Nation, during this era, that either we have a delinquency problem or we deny it; either we admit that we have one and try to do something about it, or else we shut our eyes to the problem and it will come to visit us in more terror at some subsequent date.

It has been our aim and our philosophy that if we could get at the so-called vulnerables at as early a stage as possible, and if we could educate a public to the understanding of the problems that confront these children, and the circumstances under which they grow in the home and in the community, that we might go a long way to cut down this delinquency picture to a minimum.

To my way of thinking, it can be done; but it cannot be done by retaliation and calling names. We have got to face up to the proposition that there is this problem and that talking will not solve the problem, that we have to do something about it.

If typhoid strikes in the city of Providence today, that case is not only treated but every medical force within the immediate environments of this city is called into play. There is isolation processes that go in, and there is antitoxins that are given to others who might be near this thing. In other words, we try to eliminate causes. I think that we have developed far enough in this child-behaviour problem to do something about it. I think that there are many places that we have to start; but it would be a wonderful thing if we first started with the adult, on a thorough understanding of what the problem is.

Chairman KEFAUVER. Will you say that again, please? I don't think that many of the people here heard that. "It would be a wonderful thing if we first started with the adult."

Mr. McCABE. That is correct; and his point of view.

I feel that we could raise the moral tone of our community, and all communities, and I think that we as adults are exemplars either for good or for evil of the children who are imitative of what the adult has done.

I think if we sit down some afternoon and have an examination of our own consciences as to what we are doing in this cause, that maybe we would come up with some remedies.

To be specific, Lieutenant May has mentioned the fact that we have jurisdiction over automobile violations and thefts of automobiles. Now, to me a simple traffic offense is a very serious thing. Either we respect the law or we disobey it as adults; and many adults speed if they can get away with it. It isn't a question of whether it is right or wrong, but "If the policeman is not watching me, it is perfectly all right to get away with it." And some adults and some parents, in cases that we have found, have even had their children watching out the back window of the car to see whether the policeman was following them in a certain zone.

So now if this same child, when he gets a car at 16 or 18, decides to speed, he will feel it is all right because Dad taught him that.

And then it is too much bother for us adults to take a key out of a car. We ask each boy and girl, that steals an automobile, that comes before us, "Well, how did this thing happen?" We have very few experts that can do the job with tinfoil or a coin. The majority of cases are that they found the key in the ignition, over the visor, or in the pocket of the car. The press and radio have cooperated with us to the fullest extent on various announcements requesting people to take these keys from the car.

Now, if you are logical about this you may say that McCabe is arguing wrongly here. I may be. I am just saying this, that we can help the occasion of delinquency by not placing some of these temptations before these children by a little cooperation.

Then at home, Senator, I might be a little bit busy some afternoon when I come home, maybe I like to take a nap, from all these hearings and various things that we run into. The telephone rings, and I say to my youngster, "Well, shush, shush, don't tell them I am here." I am teaching my child to lie, whether I know it or not.

Well, maybe some of us bigger businessmen might brag about the fact that we are able to cut a little corner and, well, fool Uncle Sam on that one. And then we wonder why the children take on these things, and many of these things become a way of life.

These are just a few specific examples where we could start a little tuning up within our own lives.

Now, when you come to the question of the physical disabilities of a child, it is a dramatic thing—

Chairman KEFAUVER. Judge, before you get to another subject matter, I have heard that you and also Judge Booth do meet with parents in the schools and other places and talk with them in the same vein that you are talking with us here today.

Mr. McCABE. That is right.

Chairman KEFAUVER. Tell us about that program. How often do you do it and how are the meetings organized, and what response you have?

Mr. McCABE. Well, there is little or no organization to the programs that we have. We have no press agents, but we are booked up until about June.

Any number of civic groups, like parent-teachers groups, Kiwanis groups, civic clubs, church groups and so forth invite us to speak to them at night. We have representative groups. Over the course of a year, maybe, we would talk to 150 or 160 on different occasions.

We invite representative groups to come in and see us. We hold a question-and-answer period afterward and try to answer some of the difficulties of these people. We try to urge them to set up at the grassroots a civic center or a community center where many of these problems that they have can be screened, and we, through the prevention coordinator, try to give them advice on the setting up of certain organizations that might be conducive to the best interests of that community. We feel that if we can get our story home to enough people, and I think we have made tremendous progress as far as education is concerned, to a thorough understanding of what we are trying to achieve, that we can mold public opinion to the point where citizens will be willing to pay for services to the schools that

meet this child early and where the child might be detected; that the citizens will be able to permit and give to the legislature funds that they might appropriate for mental hygiene, recreation, and all the things that might help to round out this child; but to say that recreation in and of itself, to say that any one of these things that I mentioned is an answer to juvenile delinquency, to me that is erroneous because it is such a complex proposition that we definitely have to hit at every segment of it; and it needs a combined and united attack.

What we have tried to do in this State here is to recognize that, to teach that and to have a full understanding on the part of the public and private agencies, that our one aim is this child, or this family, and that child or that family is not a dismembered part of our organization, but rather that this child is a unit and has to be treated as a unit, and that our services have to be integrated and coordinated; that I cannot work on the child's leg, somebody else on the head, somebody else on the finger; we have got to attack this problem on a community level, on an all-out level, everyone doing what they can, and the product is going to be the result of the weakest link if we do not work together.

Chairman KEFAUVER. Judge McCabe, in connection with your educational program, I have been advised that you had a very successful youth panel program here a number of years ago. Would you tell us about that?

Mr. McCABE. We have had that. When Governor Roberts was here this morning he did not go into too much detail. I think one of the grandest things I ever saw, and enjoyed thoroughly, was a panel of youngsters that we had in the court a few years back. We had had the representatives of the various schools pick out representative children, boys and girls, not only those particularly who were high scholastically, but a well-rounded child in school, and we met monthly and sometimes twice a month with these children to obtain their point of view on current problems and what we should do and how we might be able to make goodness and right living more attractive for this so-called 1 or 2 percent that we run into.

We also had a panel such as that at the commission meeting of children and youth, and I think it brings out very, very vividly that the boy and girl of today is a grand person; that the boy and girl of today is much brighter perhaps, if we wanted to admit it, than we were in our day; and that the boy and girl of today is the same human being that they were 50 years ago, or 100 years ago; but they are set in different settings, perhaps, and these settings are made by the adult world; and these children have ideas about these things.

Fortunately, predominantly the large percentage of our children are outstanding.

When we seem, to me, to place so much emphasis on this word called "delinquency," and many of these children, of the 99 percent, feel that they are condemned because they happen to be placed in this category called teen-agers at this particular time. It has always been my impression that we never can forget the tragedy that juvenile delinquency is in this age. But we also should never forget that we have millions of our children who are doing a sterling job today and who are going to do a very, very excellent job tomorrow, a much better job, if we provide the means for them to do it.

But never let the tail wag the dog. I should be tremendously proud of the boys and girls of this era, and I think that, as you say the age limit has dropped down, 21 to 17, it is all right for them to go into service. Many of them that we meet have wonderful records. Look at the last war, look at the Korean incident. These are all products of this age. And who are we to condemn the many for the faults of the few?

I still feel that the answer lies within ourselves, if we want to look at this problem correctly. If we want to look at the philosophy that is underlying this whole thing. We have had difficulty in explaining to people and trying to make them understand that these children, under our law, are not considered criminals. We try to show that our law is that retaliation is not the answer, nor is it the law, because punishment and retaliation up to this point in history has achieved nothing.

Nor, on the other hand, do I feel that we should be cream puffs and coddle these children. I think punishment is a salutary form of treatment, but I don't think that punishment, in and of itself, is an end or cures anything.

I think that we have to consider the philosophy that each child is a human being, should be treated as such, and we do everything within our power to bring out the potentialities that are in this child so that these potentialities, when they are developed, might be an asset and an attribute to the community. In that way I feel that we definitely can cut down to a minimum this question of juvenile delinquency if we as a unit, individuals, corporate entities, private agencies, municipal agencies, State agencies, and Federal agencies, want to work together at the task.

Chairman KEFAUVER. I think that is an excellent summation of the whole problem and what we should do about it.

Now, judge, in the last few years what has been your rate of increase or decrease of delinquency and of the number of children coming into your court?

Mr. McCABE. I have statistics here which I will be only too glad to give to you and which I will offer the committee.

Statistics can mean one of many things, or can mean nothing, as far as I am concerned—all these opinions of mine are personal, by the way.

I had a case that would come in this morning where 8 boys stole 1 automobile. Well, I would report that, you would agree, as eight boys involved. Now, tomorrow I have 1 boy that is involved in stealing 8 automobiles. Am I going to count that 1 boy or 8 cases? It is 1 boy I have to treat, not 8 automobiles.

Some recording would count that as 8 cases; 8 cases interpreted to the public would mean 8 children.

I feel that we are in business to treat children, not automobiles, or homes that are broken into, et cetera, et cetera. We count a boy, no matter how many things he is involved in, as one case, and it is on that basis that our statistics have been set up.

Now, we have shown general decreases since about 1952. These are small. There has been a little increase over the last year, that is, from last year's report, but one thing that pushes our statistics up is the fact that we do have speeding of juveniles, and traffic offenses, which sometimes, as the public says, "It's just a traffic offense."

They don't consider that as a delinquent act or as a wayward act; yet they are counted and asked for as delinquent or wayward, whatever the case might be; yet I think that there are very few courts around the country that have jurisdiction in juvenile courts of the traffic offender.

We had about 956 children who were adjudicated either wayward or delinquent last year. That is about 100 more than the year before.

We held about 3,500 hearings, court hearings, on all our cases last year. In answer to your question to Lieutenant May as to the ratio between boys and girls, we have about 7½ to 8 boys to the 1 girl; we would run about 7½ to 1, or 8 to 1, it would vary from year to year.

Again, to just state on this question of statistics, we have urged and we have gotten cooperation to this extent, that any child that has shown any maladjustment that comes within the purview of our law be referred to the court as quickly as possible so that we in turn could make a proper referral to an agency that might do some remedial work with the child.

Our experience has shown us, our knowledge, our reading and so forth, that the earlier that we can get a child, and the earlier we can put into cooperation an effective therapy, the sooner we are going to do something for the child, and perhaps save a more serious offense later on and make a much happier life for the child.

If you want specific figures, I could read them into the record, or I would be glad to leave them with you, Senator.

Chairman KEFAUVER. Suppose you just furnish us with the figures, Judge McCabe.

Mr. McCABE. All right.

Chairman KEFAUVER. Judge, do you have any recommendations as to what the Federal Government, Congress, or what this committee can do to be of assistance?

Mr. McCABE. Yes; I have. I do hope that that bill of yours passes, and I do hope that we are able to get money from the Federal Government here so that the school program, as mentioned by the Governor, might be helped.

More particularly, in my field we are able to have a better mental-hygiene program for the child. That is, as I read your bill some time back, there is one provision for mental hygiene clinics.

It might be well at this point for me to mention that many of our agencies have been hard hit because of the expense of personnel for this type of work, and whether or not in your bill there might be provision whereby these funds might be given to recognized private agencies in the community for the carrying on of this child-guidance work and a mental-hygiene program, in addition to what might have been given to the various State and local organizations, hoping that we would be able to again hit on a twofold basis, both the public and the private.

Chairman KEFAUVER. Judge, I interrupted you a few minutes ago. You started to say something about the physically handicapped child.

Mr. McCABE. The physically handicapped child is a dramatic incident. You see the polio child, or the child that is with broken limbs, and maimed, and you put this placard up here, it draws a person's attention, it is attractive. So, as a consequence, we take and give our money for these campaigns.

But it is a very, very difficult thing for the average person to see a child who is emotionally upset, to see whether there is anything the matter with this child. Many say, "He is just a hellion," or "He is just a brat," or "He hasn't had the proper bringing up," and "A good crack over the some place might help him out." But that's a little bit further north of where the treatment should be given to him. We have to recognize these facts.

But it is a pretty hard proposition to get the person who hasn't seen a child of this type to recognize it and do something about it. Whatever we see, whatever is dramatic, yes, we will pay for it; but what is hidden and what might be latent and yet be very, very open a few years hence, well, it's too late to meet it then, even with dollars.

I think we should recognize it now, not only with dollars, but with an understanding sympathy toward a rehabilitation of this child at this point where something can be done for the child.

Chairman KEFAUVER. Mr. Chumbris, do you have any questions you wish to ask Judge McCabe?

Mr. CHUMBRIS. No; I do not, Senator.

Chairman KEFAUVER. Judge, we thank you very much for a very enlightened statement. I want to say that I think you are one of the fine juvenile judges of our entire country. You and Judge Booth are not only doing your jobs as judges, but you are doing extrajudicial work of a very important nature. We want to keep in touch with you.

We appreciate your appearance here today.

Mr. McCABE. Thank you very much, Senator. It was a pleasure.

Chairman KEFAUVER. The subcommittee will stand in recess until 2 o'clock, and we will meet sharply at 2.

(Whereupon, at 12:25 p. m., a recess was taken until 2 p. m.)

---

#### AFTERNOON SESSION

Chairman KEFAUVER. The subcommittee will come to order.

At this point in the record we will have read into the record the Senate resolution establishing this subcommittee.

We will also have read into the record the authorization of the members of the committee for this hearing to be held by the chairman. They will be incorporated in the record.

(The documents referred to follow:)

#### EXHIBIT No. 3

[S. Res. 89, 83d Cong., 1st sess.]

#### RESOLUTION

*Resolved*, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized and directed to conduct a full and complete study of juvenile delinquency in the United States. In the conduct of such investigation special attention shall be given to (1) determining the extent and character of juvenile delinquency in the United States and its causes and contributing factors, (2) the adequacy of existing provisions of law, including chapters 402 and 403 of title 18 of the United States Code, in dealing with youthful offenders of Federal laws, (3) sentences imposed on, or other correctional action taken with respect to, youthful offenders by Federal courts, and (4) the extent to which juveniles are violating Federal laws relating to the sale or use of narcotics.

SEC. 2. The committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the Senate, to hold such hearings, to require by subpenas or

otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and, within the amount appropriated therefor, to make such expenditures as it deems advisable. The cost of stenographic services to report hearings of the committee or subcommittee shall not be in excess of 40 cents per hundred words. Subpenas shall be issued by the chairman of the committee or the subcommittee, and may be served by any person designated by such chairman.

A majority of the members of the committee, or duly authorized subcommittee thereof, shall constitute a quorum for the transaction of business, except that a lesser number to be fixed by the committee, or by such subcommittee, shall constitute a quorum for the purpose of administering oaths and taking sworn testimony.

SEC. 3. The committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest date practicable but not later than January 31, 1954.

SEC. 4. For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to employ upon a temporary basis such technical, clerical, and other assistants as it deems advisable. The expenses of the Committee under this resolution, which shall not exceed \$44,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

#### RESOLUTION

*Resolved by the Subcommittee of the Committee on the Judiciary To Study Juvenile Delinquency in the United States*, That pursuant to subsection (3) of rule XXV, as amended, of the Standing Rules of the Senate (S. Res. 180, 81st Cong., 2d sess., agreed to February 1, 1950) and committee resolutions of the Committee on the Judiciary, adopted January 20, 1955, Senator Estes Kefauver (Democrat, of Tennessee), and such other members as are present, are authorized to hold hearings of this subcommittee in Providence, R. I., on November 8, 1955, and such other days as may be required to complete these hearings, and to take sworn testimony from witnesses.

Agreed to this 7th day of November 1955.

THOMAS C. HENNINGS, Jr.,  
PRICE DANIEL,  
WILLIAM LANGER,  
ALEXANDER WILEY,

*Members of Subcommittee to Study Juvenile Delinquency.*

Chairman KEFAUVER. Mr. Chumbris, who is our first witness?

Mr. CHUMBRIS. Mr. George Morrow.

Chairman KEFAUVER. Mr. Morrow, will you come around? Inasmuch as the testimony this afternoon may involve some conflicts and whatnot, I will have to ask all of the witnesses to be sworn.

You are not Mr. Morrow?

Mr. McGUIRE. No; I am not.

Chairman KEFAUVER. What is your full name, sir?

Mr. McGUIRE. My name is Joseph T. McGuire. I am an attorney from Worcester, Mass. I am here on behalf of a brother attorney, Allen McDonald, Esq., of 340 Main Street, Worcester, Mass., who requested of me yesterday afternoon, to appear for him on this matter, as he has a case in Boston today.

I wish to submit, Senator, a statement from a Dr. Wolfson with reference to the physical condition of Mr. Morrow and why he is not present at this time [handing].

Chairman KEFAUVER. Who does Mr. Morrow represent?

Mr. McGUIRE. Mr. Morrow is under a summons from the United States of America, Congress of the United States [handing].

Chairman KEFAUVER. Mr. Morrow is not an attorney?

Mr. McGuire. He is not. Mr. McDonald is Mr. Morrow's attorney, and Mr. McDonald was unable to be here today; so I have the office right next to his and he requested that I come down in his place.

Chairman KEFAUVER. We will let the statement be read or copied into the record.

(The letter referred to above is as follows:)

WORCESTER, MASS., November 7, 1955.

*To Whom It May Concern:*

I, Irving N. Wolfson, M. D., on oath depose and state that I am a practicing physician residing in the city of Worcester, Mass., with an office at 37 Fruit Street, and that on November 5, 1955, I examined Mr. George Morrow. I found he had (1) congestive heart failure, (2) coronary artery disease with angina.

These diagnoses were supported by physical examination which revealed pulmonary basal rales and ankle edema. Fluoroscopy revealed generalized cardiac enlargement, and electrocardiograph revealed the following:

- (1) Coronary artery disease with (?) old anterior infarction;
- (2) Incomplete left bundle branch block;
- (3) (?) Cor pulmonale.

The patient was treated by digitalization, mercurhydrin, and advised to restrict his physical activities in the future. I believe that he is too ill to travel or testify at this time.

Signed and sealed this 7th day of November 1955

(Signed) IRVING N. WOLFSON.

STATE OF MASSACHUSETTS,

Worcester, ss:

NOVEMBER 7, 1955.

Personally appeared before me, Irving Norman Wolfson, M. D., on oath stated that the above is a true statement of the condition of George Morrow to his best knowledge and belief.

(Signed) JOSEPH E. McGuire,  
*Notary Public.*

My commission expires September 26, 1958.

Chairman KEFAUVER. Do you know Mr. Morrow?

Mr. McGuire. I have met him on one occasion. I met him yesterday afternoon.

Chairman KEFAUVER. Is Mr. Morrow in the hospital, or is he—

Mr. McGuire. He is not in the hospital. I met him in his home.

Chairman KEFAUVER. Is he going around?

Mr. McGuire. The only time that I observed him, he was in his home, and he had an oxygen tank next to him. I was with him for approximately 15 to 20 minutes.

The reason that I went to his house was to pick up a retainer for coming down here.

Chairman KEFAUVER. That is a very pertinent reason.

The next question is, did you pick it up?

Mr. McGuire, is it a physical disability or fear of retaliation that Mr. Morrow is worrying about?

Mr. McGuire. I believe there are two reasons for Mr. Morrow not being present here. I think primarily, from my conversation with Mr. McDonald, it is an apprehension of his physical condition and the effect that it would have upon him to be present.

I think, secondarily, from my conversation with Mr. McDonald, he fears retaliation.

Chairman KEFAUVER. What kind of retaliation? Not naming names, but by what group of people?

Mr. McGuire. I have no knowledge of that, sir.

Senator KEFAUVER. Did he tell you that?

Mr. McGuire. No; he has not told me that.

Chairman KEFAUVER. Did he tell you he was afraid of retaliation?

Mr. McGuire. He did not tell me himself; I was told that by Mr. McDonald.

Chairman KEFAUVER. Mr. McDonald is the other counsel?

Mr. McGuire. Yes; he is.

Chairman KEFAUVER. From this physical report, there seems to be a number of things which apparently Mr. Morrow has had for a long time; there doesn't seem to be any immediate acute physical defect. He seems to have been able to do business with what latent physical defects he has.

I will have to ask you to tell Mr. Morrow that apparently he is not confined, and—

Mr. McGuire. I believe that Captain Henry of the Worcester police force could probably testify as to his physical condition from his knowledge and observation of Mr. Morrow. I believe that from Mr. McDonald's conversation with me, that Mr. Morrow in the past has been able to travel, but that the physical pressure upon him in answering questions here would certainly be detrimental to his heart condition.

Chairman KEFAUVER. Mr. McGuire, Mr. Morrow will have to testify sometime; if not today, he will have to testify sometime before this subcommittee.

Mr. McGuire. Yes, sir.

Chairman KEFAUVER. You might advise him of that situation.

Mr. McGuire. Yes, sir.

Chairman KEFAUVER. And see if he wants to come on down.

In the meantime, I will have the staff of the committee select a competent physician and make an examination of him up there this afternoon.

Mr. McGuire. Certainly.

Chairman KEFAUVER. And report back to us.

Mr. McGuire. I believe you will find him at his home.

Chairman KEFAUVER. But he is an important witness in this inquiry, one of the key ones. So you consult with him and see if he does not want to come on down and testify. In the meantime we will be in contact with some physician and have him examined, and we will appreciate your cooperation.

Mr. McGuire. Thank you, Senator.

Any further questions, Senator?

Chairman KEFAUVER. That is all.

Let this statement be put in the record.

Who is our next witness?

Mr. CHUMBRIS. Mr. N. A. Tacy and Mr. E. A. Craugh.

Chairman KEFAUVER. Are you Mr. Tacy?

Mr. TACY. Yes.

Chairman KEFAUVER. And you are Mr. LaVault?

Mr. LAVault. Yes.

Chairman KEFAUVER. And you are Mr. Craugh?

Mr. CRAUGH. Yes, sir.

Chairman KEFAUVER. You do solemnly swear the testimony you will give will be the whole truth, so help you God?

[In unison, "I do."]

## TESTIMONY OF N. A. TACY, E. A. CRAUGH, AND EDGAR LaVAULT

Chairman KEFAUVER. Sit down, gentlemen.

Mr. Chumbris, will you ask any questions of these gentlemen; and will you speak loudly, please.

Mr. CHRUMBRIS. Mr. Taey, I understand you are going to be the spokesman?

Mr. TACY. I think Mr. Craugh probably will be the spokesman.

Mr. CHUMBRIS. Now, Mr. Craugh——

Chairman KEFAUVER. First identify each one of them who they are and what they do.

Mr. CHUMBRIS. First give your full name, your address, and your official capacity.

Mr. CRAUGH. Edward A. Craugh, Worcester, Mass.; postal inspector.

Chairman KEFAUVER. How long have you been a postal inspector?

Mr. CRAUGH. Over 13 years.

Chairman KEFAUVER. And how long have you had something to do with this jurisdiction?

Mr. CRAUGH. In Rhode Island, you mean?

Chairman KEFAUVER. Yes.

Mr. CRAUGH. I came down on this case in July 1954.

Chairman KEFAUVER. You have been here on this case since July 1954?

Mr. CRAUGH. At various times.

Chairman KEFAUVER. All right.

Mr. Tacy, what is your full name and you home address?

Mr. TACY. Nelson A. Tacy, Middletown, R. I. My office is in Providence, R. I. I am district manager, Bureau of Post Office Operation.

Chairman KEFAUVER. What is your district, Mr. Tacy?

Mr. TACY. The State of Rhode Island, southeastern Massachusetts.

Chairman KEFAUVER. And you were formerly a post office inspector?

Mr. TACY. Prior to January 16 of this year; yes, sir.

Chairman KEFAUVER. As in charge of this district and as a postal inspector, you are here to testify about a matter that has come under your official jurisdiction?

Mr. TACY. As a post office inspector.

Chairman KEFAUVER. Yes, sir.

Mr. TACY. Prior to January 16 I was a post office inspector.

Chairman KEFAUVER. Mr. LaVault, what is your name?

Mr. LAVault. Edgar R. LaVault. 39 Mountain Avenue, Riverside. I am a postal inspector.

Chairman KEFAUVER. How long have you been a postal inspector?

Mr. LAVault. Over 13 years.

Chairman KEFAUVER. Very well. Proceed, Mr. Chumbris.

Mr. CHUMBRIS. Mr. Craugh, will you please explain to the sub-committee the matter which you have under investigation and give us the preliminaries to that investigation.

Mr. CRAUGH. This investigation related to the mailing of circulars advertising pictures which were probably obscene. In one step of the operation, a sample obscene picture was actually sent.

Mr. CHUMBRIS. Will you give the approximate date when this investigation started?

Mr. CRAUGH. I started in it about July 20. Prior to that—

Mr. CHUMBRIS. Of what year?

Mr. CRAUGH. Of 1954. Prior to that, Inspector Tacy and Inspector Egan had made some investigation at Providence and Pawtucket. My investigation started at Worcester, was found to be related to their investigation; so we got together and correlated our efforts.

Mr. CHUMBRIS. When was it that you first dealt together on this investigation?

Mr. CRAUGH. I would say I talked to Mr. Tacy on the telephone about the 23d or 24th of July. That is approximate. And I came down here, I believe it was July 27.

Mr. CHUMBRIS. How did you first come into this investigation, what was the first lead?

Mr. CRAUGH. I happened to stop at the detective bureau of the Worcester Police Department, and the deputy chief had a letter post-marked Washington, D. C., that contained a circular describing these pictures, the envelope on which an order could be placed, and a portion of the original circular envelope with the address removed.

He showed it to me, and since it was mail matter, I agreed to see what I could find out about it.

Mr. CHUMBRIS. Do you have any exhibits with you that you would like to introduce into evidence which would indicate the first lead to this investigation?

Mr. CRAUGH. I have here—there is a photostat of the circular and a photostat of the envelope in which this original complaint was received at Worcester, and a photostat of the order envelope by which an order could be returned [exhibiting], addressed to this name in Worcester.

Mr. CHUMBRIS. We would like to have that introduced as exhibit No. 4.

Chairman KEFAUVER. It will be introduced, but it is probably a file that you have to keep in your records?

Mr. CRAUGH. I have to keep those papers.

Chairman KEFAUVER. So I think it is probably better, Mr. Chumbris, if you can summarize it some way, and if we need it as an exhibit we can get it back from you.

Mr. CHUMBRIS. Is that the photostat that you need for your records or could you leave a copy of it with us?

Mr. CRAUGH. These papers are papers of the Inspection Service, and we are required to keep them in our custody.

Chairman KEFAUVER. We will work that out with you later. If you have additional photostats, that may be helpful; but you may ask any questions you wish.

Mr. CHUMBRIS. Will you summarize this particular exhibit and explain it to the subcommittee?

Chairman KEFAUVER. Mr. Brennan, we appreciate your handing these exhibits. Tell us briefly what it is about, sir.

Mr. CRAUGH. This is addressed "Dear Friend." [Reading:]

Your name has been given me by a personal friend that you bought nudes from in the past. He is not able to give you the type of photos you were wanting. Knowing that I have the stuff you are looking for, he feels we can do business.

The pictures I have are not the ordinary run of the mill. Art photos. To say these are risque is to put it mildly. The models are good but secondary to the poses.

A little more along the same line. Then—

I have an assortment of 48 pictures now. You can have all 48 for \$15. Eight photos for \$3, or 32 for \$10. Place you order as soon as possible so I can prove to you my photos are all I claim they are.

And then the order blank for any interested person to fill out and submit.

Mr. CHUMBRIS. Do you have any letters of complaint from minors concerning advertisements of that type?

Mr. CRAUGH. I have one letter of complaint, and I have the details on another complaint that wasn't received by letter.

Chairman KEFAUVER. Mr. Craugh, you did not say who that was mailed to or what happened to the exhibit. That was mailed out to where, and what happened?

Mr. CRAUGH. This particular one was mailed to the chief of police at Worcester by some person who received one of these circulars and was evidently offended by its receipt; so he mailed it to the chief of police at Worcester, and the deputy chief brought it to my attention when I stopped in there.

Chairman KEFAUVER. In other words, it is a general mailing that was sent out by somebody?

Mr. CRAUGH. That's right.

Chairman KEFAUVER. Who was it sent out by, and from where?

Mr. CRAUGH. I investigated that and found out that it was mailed principally in the Providence area, the original mailing containing this circular. I found that out from return cards, or from the post mark on undeliverable circulars that were returned to the Worcester address by the letter carrier.

Chairman KEFAUVER. To whom is it supposed to be sent back, the \$15 or what-not?

Mr. CRAUGH. The name was John E. Carter.

Chairman KEFAUVER. Mr. Chumbris says that will come in later, so you develop the matter in your own way.

Mr. CHUMBRIS. Now will you please explain the letter of complaint from the minor?

Mr. CRAUGH. This letter was received through a postmaster in California. It was referred to the postmaster by the parents, by the mother of a 16-year-old boy who received one of the later mailings, the one that contained a sample picture which is obscene. That was referred to our Service.

Mr. CHUMBRIS. Was that complaint in connection with the exhibit you have just been discussing?

Mr. CRAUGH. No; that's under a different name. The actual mailing was made under a different name.

Mr. CHUMBRIS. Under a different name?

Mr. CRAUGH. Yes.

Mr. CHUMBRIS. Do you have a copy of that letter of complaint from the parent of the 16-year-old boy?

Mr. CRAUGH. No; there was no letter submitted. There was a letter from the postmaster referring the matter to our Service.

Mr. CHUMBRIS. How did you know, relate how you knew it was a 16-year-old boy that made the complaint, or the parent of a 16-year-old boy?

Mr. CRAUGH. Here is the letter from the postmaster. [Reading:]

This was submitted to me by the mother of the addressee who is 16 years of age. Both the boy and his mother reside at a certain address in California.

Mr. CHUMBRIS. All right. Do you have any other exhibits relating to the preliminary of your investigation into this matter?

Mr. CRAUGH. Yes. I have one other complaint relative to mailing of this matter to a boy of 15 in a suburb of Boston. This was brought to my attention first by the Worcester police, who received a call from the Massachusetts attorney general's office that he had received some of these circulars, received one of these same circulars advertising these pictures.

I interviewed the boy's father later and found out that he had received one more of this series; but he did not receive one of the obscene pictures.

Mr. CHUMBRIS. Who are the people that you were investigating in this investigation?

Mr. CRAUGH. I was trying to determine the identity of the person who set up the mail drop at Worcester, Mass.

Mr. CHUMBRIS. Fine. Now will you please explain that?

Mr. CRAUGH. I went up, after I had investigated and found out that the person who had the service where this mail was being delivered was reputable, I first discussed it with the Worcester police at the time. The person who operated the secretarial service believed that this man, of whom she gave a general description, would call. We waited there, the lieutenant of the Worcester police and myself waited there all that day but he never showed. Eventually the owner of the secretarial service received a letter asking that the mail be forwarded to Narragansett, R. I., 11 Rose Court.

We then determined that 11 Rose Court was the residence of Dorothy M. Tager.

Mr. CHUMBRIS. Continue, please.

Mr. CRAUGH. I got in touch with Mr. Tacy as soon as I realized that the mailing for this particular drop had been made in Providence, Pawtucket, North Attleboro, Mass., and learned that a similar case, similar cases bearing on Pawtucket and Providence, whereby fictitious names were used to get remittances for selling pictures, advertising pictures of the same general type.

Mr. CHUMBRIS. Will you please continue.

Mr. CRAUGH. We eventually learned, Mr. Tacy, I believe, learned that on the first two operations in Providence and Pawtucket, that bank accounts had been opened under the fictitious names that were used at the mail drops, and through the efforts, cooperation of bank employees we were able to get an idea who the person was that had arranged, the man who had arranged these mail drops. And it developed that it was Calvin Sugarman, of Providence.

Mr. CHUMBRIS. What was that name again?

Mr. CRAUGH. Calvin Sugarman.

Mr. CHUMBRIS. And you say he lives in Providence?

Mr. CRAUGH. He lives in Providence.

Mr. CHUMBRIS. Do you have his address?

Mr. CRAUGH. 108 Woodbine Street.

Mr. CHUMBRIS. All right. Continue.

Mr. CRAUGH. We later learned that another mail drop had been set up at Hartford, Conn., and a subsequent one at New Britain, Conn., under different names.

Chairman KEFAUVER. Tell, sir, what you mean by a mail drop. I understand, but what is a mail drop?

Mr. CRAUGH. A person wishing to receive mail at an address other than his own residence can obtain the services of a public secretary, and in some cases private detective agencies do have that service whereby, by payment of the fee, the mail will come to that place and can be picked up by them at any time later.

Chairman KEFAUVER. In other words, the envelope and the address on the advertisement is given the same as that mail drop?

Mr. CRAUGH. That's right.

Chairman KEFAUVER. And then some of the mail, the letters may be mailed there or anywhere else?

Mr. CRAUGH. They are addressed to the place where the service is hired.

Chairman KEFAUVER. All right. Go ahead.

Mr. CHUMBRIS. Let's get this first mail drop. Give the name in which the mail drop was registered.

Mr. CRAUGH. That was rented in the name of Robert Adams Co.

Mr. CHUMBRIS. And where was that mail drop?

Mr. CRAUGH. That was at the Busy Bee, 86 Weybosset Street, in Providence. The Abbey Telephone Service was the name of the concern to which this service was obtained.

Mr. CHUMBRIS. Do you have any further details on that mail drop, to whom you traced it?

Mr. CRAUGH. On June 1 the man who arranged for these mail drops called and requested service under the name of Robert Adams. He paid a fee, and mail came in large quantities for several days. He called for it for a few days.

Chairman KEFAUVER. What do you mean by "large quantities"?

Mr. CRAUGH. I don't have the figures here, but I would say at least 100 letters, I would estimate at least 100 letters a day, including returned circulars that were undeliverable because of poor addresses.

Mr. CHUMBRIS. Have you been able to determine who the person was under the Adams mail drop at 86 Weybosset Street, Providence?

Mr. CRAUGH. He was identified as Calvin Sugarman.

Mr. CHUMBRIS. And how did you identify him as Calvin Sugarman?

Mr. CRAUGH. One of the ladies who operated the service at that address recognized, thought she recognized Calvin Sugarman, and called his home and told him there was some Adams mail there. He came down later that day and picked some up.

Mr. CHUMBRIS. Do you have any exhibits which would make the connection between the Adams mail drop and Sugarman?

Mr. CRAUGH. Well, I have affidavits that I took from these people.

Mr. CHUMBRIS. Will you summarize the affidavit that you have before you?

Chairman KEFAUVER. Don't read it; just tell us what is on it.

Mr. CRAUGH. All right. This one is, I believe, a principal owner, where she states about the opening of the business, the engaging of the

service, and then her sister thought she recognized this Mr. Adams and called his home. She kept no record of the number of pieces received, and she picked out a photo, a picture of Calvin Sugarman from six others that were shown to her. The fact that he engaged the service and called for mail there was also corroborated by another person who engaged office space in there, they are in the insurance business, and she recognized the photo, recognized him from the photo, too. And also one from the sister wherein she details recognizing him and calling up his home, Sugarman's home, and telling him there is Adams mail there. But then later that day he called for some of the mail.

Mr. CHUMBRIS. Now, was there an Adams bank account that you investigated?

Mr. CRAUGH. I am aware that there was an Adams bank account.

Mr. CHUMBRIS. Can you give us any more information on that?

Mr. CRAUGH. Here are photostats of the Adams bank account that was opened on June 15 with a deposit of \$100. Subsequent deposits between June 18 and June 29 total \$742, of which \$123 was cash and the rest checks and money orders. \$450 was withdrawn on June 25, \$247 on June 29, and its was practically closed out on July 7, there was only \$1.40 left.

Mr. CHUMBRIS. Do you have a check drawn by Robert Adams—before I get to that, do you have a withdrawal exhibit there that you would like to submit to the subcommittee?

Mr. CRAUGH. There is the amount of \$450 shown as a check against the account on June 25, 1954.

Mr. CHUMBRIS. Do you have an exhibit in the form of a check?

Mr. CRAUGH. Yes. Here is a photostat of a check drawn June 24, 1954, in the amount of \$450.

Mr. CHUMBRIS. And who is the maker of the check?

Mr. CRAUGH. Robert Adams.

Mr. CHUMBRIS. And who was the payee?

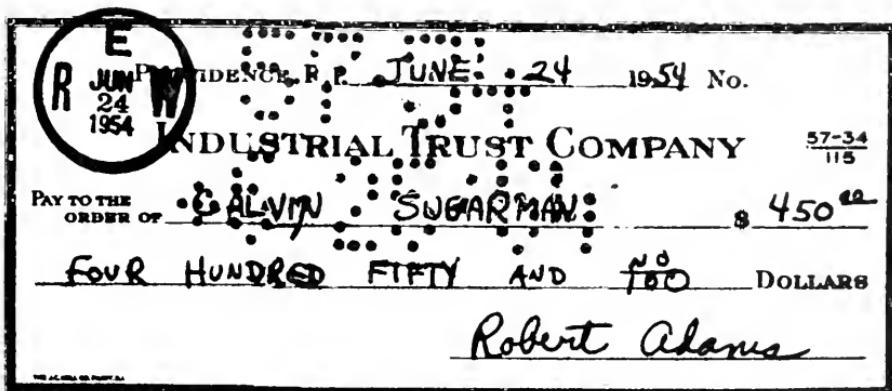
Mr. CRAUGH. Calvin Sugarman.

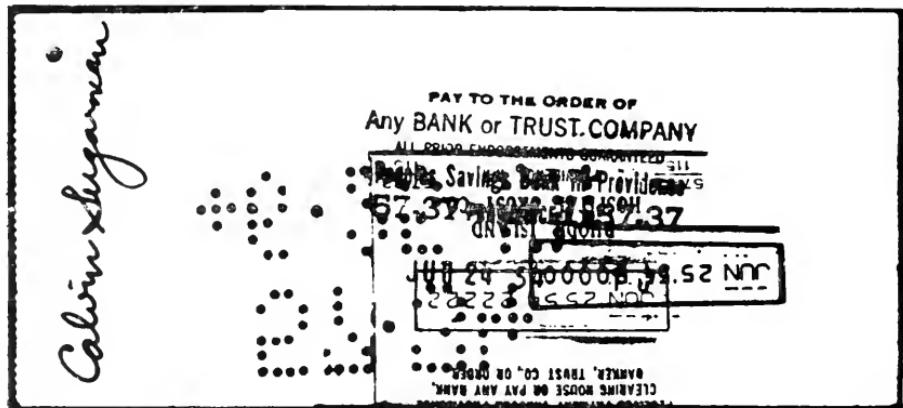
Mr. CHUMBRIS. And was that check endorsed by Calvin Sugarman?

Mr. CRAUGH. His name appears on the reverse.

Chairman KEFAUVER. You have a copy of it, Mr. Chumbris. Let's make it an exhibit, exhibit 4.

(The check above referred to was marked "Exhibit No. 4," and is as follows:)





Mr. CHUMBRIS. Aside from the Adams mail drop, are there any other mail drops?

Mr. CRAUGH. The next one was Joseph V. Bush, or J. V. Bush.

Mr. CHUMBRIS. Would you relate as concisely as possible the background for this Bush mail drop?

Mr. CRAUGH. Mr. LaVault will tell that.

Mr. LAVault. I called on Miss Mary A. Hanna, who operates the Busy Bee Secretarial Service at 547 Broadway in Pawtucket. She told me that on or about June 30 an individual stated he was J. V. Bush called on her, saying he represented the J. V. Bush Co., and that he wished to use that address as a mail drop. He paid Miss Hanna a fee of \$2 for that month. He called approximately every other day for the first 30 days to pick up the returns as well as the mail received.

I had with me that day seven photos, one of whom was the photo of Mr. Calvin Sugarman. Miss Hanna identified Mr. Sugarman's photo as the person who represented himself as J. V. Bush.

Mr. CHUMBRIS. Was there any other identifying feature, such as a bank account?

Mr. LAVault. I didn't go into that particular feature myself, but there was another identifying feature.

Sometime around August 1 the Pawtucket Police Department had made an inquiry of Miss Hanna regarding a complaint they had received on the circular mailings, and at their request she took the auto registration of J. V. Bush and she turned it over to the police. Later, out of curiosity, she also called the registry of motor vehicles herself and learned that the auto was registered in the name of Sugarman.

Mr. CHUMBRIS. Was that Calvin Sugarman?

Mr. LAVault. She didn't recall that at the time I discussed it with her; but we later identified it as the auto of Calvin Sugarman.

Mr. CHUMBRIS. Who will relate the bank account of Bush?

Mr. CRAUGH. I have the details on that. This account was opened July 2, 1954, with a \$5 cash deposit. The deposit slip is marked "Watch this account closely, allow no overdrafts."

Between July 6 and August 5 a total of \$1,069 was deposited, \$600 in cash and the remainder in money orders.

There were two withdrawals of \$200 on the 8th and the 12th of July and \$132.60 on the 12th of July, which apparently relates to a bill for printing in connection with this operation.

Mr. CHUMBRIS. Do you have anything further?

Mr. CRAUGH. The check, the account, between August 1954—September 22, 1954, had \$59.41 as a balance. There is no further activity until July 11, 1955, when a \$55 check was drawn against the account, leaving a balance of \$3.98. Here is a photostat of this check [exhibiting], that \$55 check, signed "Joseph V. Bush," payable to cash.

Mr. CHUMBRIS. Who endorsed that check?

Mr. CRAUGH. Calvin Sugarman.

Mr. CHUMBRIS. That date to which you were referring, July 11, 1955, can that be identified with any other happening just before that time as a part of this investigation?

Mr. CRAUGH. July 11—

Mr. CHUMBRIS. Referring to Mrs. Tager, specifically.

Mr. CRAUGH. July 11, 1955, bears no relation.

Mr. CHUMBRIS. What I was referring to is this: Was it in June of 1955, wasn't there something referring to Mrs. Tager?

Mr. CRAUGH. Oh, that's right. I believe her case was finally disposed of.

Mr. CHUMBRIS. Her case was disposed of in June of 1955 and this account was closed in July of 1955; is that correct?

Mr. CRAUGH. In July of 1955; correct.

Mr. CHUMBRIS. Do you know whether that \$55 check that you are referring to went into Calvin Sugarman's private account?

Mr. CRAUGH. I haven't been able to; I don't think we could determine that.

Mr. CHUMBRIS. Do you have a deposit there of approximately \$55 to Calvin Sugarman's account?

Mr. CRAUGH. I believe this is it, on July 8. The bank number corresponds with the bank number on the check that was drawn against the account.

Mr. CHUMBRIS. Take a look at the face of that check of July 11, I believe, and see if there isn't a notation in the left-hand corner of the savings account of Calvin Sugarman.

Mr. CRAUGH. They are the same number.

Mr. CHUMBRIS. Would you read that number?

Mr. CRAUGH. 155886.

Mr. CHUMBRIS. And that notation is on that last check; is that correct?

Mr. CRAUGH. That is on this last check, and it is also on the deposit slips in the savings account.

Mr. CHUMBRIS. Was there another mail drop in this investigation?

Mr. CRAUGH. The third mail drop was the one established at Worcester.

Mr. CHUMBRIS. All right, sir.

Mr. CRAUGH. Under the name of John E. Carter.

In that case the person who established the account called on July 2 and engaged the services, paying \$15 in cash for mailing service for 1 month. He told the person operating this secretarial service that he would return, but he never did.

Subsequently, the secretary received a large envelope from John E. Carter, with a letter instructing the mail to be forwarded to John E. Carter, care of 11 Rose Court, Narrangansett, R. I.

Subsequently, the secretary received \$20 more in cash and throughout a period when that was in operation there were 641 pieces of mail received, 201 of which were apparently orders for the pictures advertised under the name of John E. Carter.

Mr. CHUMBRIS. Let's get the identifying features so that you connect the Carter mail drop with Calvin Sugarman.

Mr. CRAUGH. I followed the same practice there. I showed several photographs to the secretary in Worcester, and she picked out the one which was Calvin Sugarman's.

Mr. CHUMBRIS. Then as far as you were able to determine, Carter and Calvin Sugarman were one and the same person?

Mr. CRAUGH. Yes.

Chairman KEFAUVER. Wasn't that the one where Mrs. Tager came into the picture?

Mr. CRAUGH. She made a phone call, I believe, he apparently wrote the letter of instructions asking that the mail be forwarded, although it is signed John E. Carter.

Chairman KEFAUVER. For the record at this point, do you want to tell who Mrs. Tager is, or, Mr. Chumbris, you tell who Mrs. Tager is?

Mr. CRAUGH. Near the beginning of my investigation, when I found out that this mail from these various sources was going to 11 Rose Court, and that the resident there was Mary D. Tager, or D. Mary Tager, I recall that we had received some information from 2 or 3 years prior to that relative to the operations known as Tager and Ross on the West Coast. The name came to mind. I looked up the information we had and found out that it was a large-scale operation on the west coast.

We made inquiries then and discovered that it was apparently the same Mrs. Tager who had operated in the nude-picture business in the Los Angeles area on the west coast.

Chairman KEFAUVER. I think by way of summary it might be stated that in the early part of this year the staff of this committee made an investigation preparatory for a hearing. At our hearing in early June of this year Mrs. Tager and others testified at Los Angeles that she had a large business in excess of \$1 million a year, she and her husband—at that time they were divorced—had a business in excess of \$1 million a year, operating on the west coast in various and sundry assumed names, with drops at Los Angeles, Las Vegas, Nev., Phoenix, Ariz., Tucson, and many, many other places. The only time she had ever been in any difficulty was the operation here in Providence, R. I., or in Rhode Island.

We also got some information from her about her operations here. At that time, as chairman of this committee, I stated that we would investigate and find out what we could about the operation in this part of the country and have a hearing here at Providence.

She sent her literature to every State in the Union, to many foreign countries. It was a very vast operation that she had on the west coast, one of the biggest. Is that your information about it?

Mr. CRAUGH. That's how I connected her with the operation.

Chairman KEFAUVER. Go ahead, Mr. Chumbris.

Mr. CHUMBRIS. Then there was no question in your mind about the Carter and Calvin Sugarman being one and the same person; is that correct?

Mr. CRAUGH. That is right.

Mr. CHUMBRIS. Now, is there another mail drop that you wish to describe?

Mr. CRAUGH. The next mail drop was operated under the name of Earl Drake, 647 Main Street, Hartford, Conn. The operator at that place was primarily, her business was primarily dispatching, handling the dispatching of trucks, but she did a little mail-drop work on the side.

He paid a fee of \$10, and he called again, he called first on July 16, 1954. He called again on August 9, 1954, after making a call on the telephone, and he picked up what mail there was, which I understand was very small at that time.

He called again one other day briefly, but didn't stay long; she couldn't remember the date.

She also picked out a photo of Calvin Sugarman as the person who represented himself to be Earl Drake.

Mr. CHUMBRIS. Now will you please explain how you connected Calvin Sugarman to the Drake mail drop?

Mr. CRAUGH. The description that we had at first tallied with that of the others. Then I took the photo with several other photos we might have—

Mr. CHUMBRIS. Were any bank accounts or checks—

Mr. CRAUGH. There were no bank accounts on Carter or Drake, as far as we could ascertain.

Mr. CHUMBRIS. Was there another mail drop?

Mr. CRAUGH. The next one was set up in New Britain, Conn. Arrangements were made on July 15 under the name of Jeff Ellis. He stated that at that time he would call and pick up the mail, but about the end of July the operator, the secretary, received a letter asking that all mail be forwarded to 11 Rose Court, Narragansett, R. I. Not too much mail was received there at that time. About 2 or 3 pieces of mail a day.

Before July 30 there were 2 or 3 pieces. Subsequent to that it averaged about six pieces a day.

On or about August 9 the man representing himself to be Jeff Ellis called at the office asking about the amount of mail, and later that day detectives from the New Britain Police Department called, because they had received a complaint through the mail of one of his circulars, I believe.

Mr. CHUMBRIS. You said the mail was transferred to 11 Rose Court, Narragansett?

Mr. CRAUGH. That is right.

Mr. CHUMBRIS. Who was at that address?

Mr. CRAUGH. That is the address, that was the residence of Mary D. Tager.

Mr. CHUMBRIS. Is that the same person as Mary Dorothy Tager?

Mr. CRAUGH. Mary Dorothy Tager; yes.

Mr. CHUMBRIS. Will you make the connection between Sugarman and the Ellis mail drop?

Mr. CRAUGH. The operator of the service in New Britain also identified a photo of Calvin Sugarman as the person who represented himself to be Jeff Ellis.

Mr. CHUMBRIS. And you were satisfied that that was one and the same person?

Mr. CRAUGH. I was.

Mr. CHUMBRIS. Now, are there any other mail drops?

Mr. CRAUGH. The next mail drop was under the name of M. Miller. That was set up at 11 Rose Court, Narragansett. The mail addressed to M. Miller came to 11 Rose Court.

We questioned delivery employees at the Narragansett branch of the Wakefield, R. I., post office, and one recalled having some mail addressed to M. Miller, and he stopped at the house, rang the bell, and a boy answered, Mrs. Tager's son. When the carrier asked about M. Miller, the boy asked his mother, "Who is this M. Miller?" and Mrs. Tager answered, "It's all right. I will answer it. It goes here."

Other employees have made statements relative to the delivery of mail under the various names at 11 Rose Court, forwarded from John E. Carter, Jeff Ellis, and Earl Drake.

Mr. CHUMBRIS. Were there any other identifying features in this instance other than you have just explained?

Mr. CRAUGH. In this particular case this was apparently arranged solely by Mrs. Tager, we had no connection with Calvin Sugarman in this particular fictitious name, M. Miller.

Mr. CHUMBRIS. Do you have any other mail drops that you wish to describe?

Mr. CRAUGH. The next one was set up at 18 Tremont Street, Boston, Mass., under the name of G. Wallis. This was arranged for by telephone. The proprietor of the secretarial service at that point received a telephone call on August 17, 1954, and the nature of the call, which was from a woman, was that she was establishing a cosmetic business in Boston and wished to receive mail at this secretarial service.

Subsequently a money order for \$12.45 issued at Narragansett branch of the Wakefield post office was received by the proprietor of the secretarial service in payment for the mail drop.

Shortly after that we received from various sources specimens of this G. Wallis mailing, which contained a short circular and the sample obscene picture that I referred to before.

Mr. CHUMBRIS. Do you have any of those exhibits?

Mr. CRAUGH. We do have one here [handing].

Chairman KEFAUVER. All these are just plain lewd and obscene, and in clear violation of the postal laws?

Mr. CRAUGH. That's the only picture. I consider it a very filthy one.

Chairman KEFAUVER. There is no question but what this is in violation of the law.

Mr. CRAUGH. That's right.

Chairman KEFAUVER. Is that your private file?

Mr. CRAUGH. That is my private file.

Mr. CHUMBRIS. Now, Mr. Craugh, do you have any exhibits of the circulars that you wish to introduce at this time?

Mr. CRAUGH. Yes.

Mr. CHUMBRIS. Or that you want to read into the record?

Mr. CRAUGH. I have a specimen, I believe, of all these circulars that were mailed or used under the different names.

Chairman KEFAUVER. So they will be privileged to the press, if they want to reproduce any part of them in writing their story, let them all be made a part of this record.

Mr. CRAUGH. Do you want me to read them?

Chairman KEFAUVER. Just describe them; but they will all be made a part of this record. If you want to read part of them, that is all right.

Mr. CRAUGH. The first one was the Adams circular, headed "All Nude Photo Collectors." [Reading:]

I have just completed shooting the finest nude model photos in my entire career, and I am offering them to you for the first time. These are 4 by 5 glossy prints, made expressly for the collector who is satisfied with only the unusual. I have shot these models in the poses that a true collector would appreciate. There are no drapes or shadows hiding the charms of these lovely creatures. They are completely nude. I, too, was a collector before I started shooting my own models, as I never got what I wanted.

Then there is a description of nine of these sets, entitled "Miss Unbelievable." [Reading:]

Make your friends gaze with envy at this sensational female. With a 38-inch bust, 34-inch waist, and hips of 36. For you who like the busty gal, she is unbelievable.

The other descriptions on the other eight sets are along the same line.

This is a limited offer, and these sets are only available while they last. They will never be offered again. These sets are available for \$2 per set, \$10 for 6 sets, \$15 all 9 sets, plus a special set not mentioned. All the orders for \$6 or more sent airmail immediately.

And the bottom is an order blank.

The next one, the Bush circular, is printed in red. That starts out:

#### NUDE FOR THE CHOOSEY COLLECTOR

After seeing the type of picture sent out by the operators all over the country, I believe my collection of nude women is the best yet.

A similar description of the 4 by 5 glossy prints:

Not a flat-chested gal in the lot. Someone once claimed that the beautiful women in the country were all in Hollywood. I disagree. These are east coast models, and terrific. Complete assortment of blondes, red heads, and brunettes. Tall and short. I have a hundred different pics which can be yours for \$20. I have 48 different pics for \$10; also 20 pics for \$5. If you want the whole collection of 168 pics, they are yours for \$30. First come, first serve. These will be sent express.

The next one is the John Carter circular, which I read part of previously. Do you wish it repeated?

Chairman KEFAUVER. Are they all about the same?

Mr. CRAUGH. They are all about the same. The first four, up to Drake, they are all printed. The Ellis one is typewritten, and in the form of a letter.

I received your name from a west-coast firm. I can supply you with the spiey pics you need for your own use. I have had the negatives sent to me from Germany, Sweden, and Mexico, where everything goes. First-class action shots. These are sold 10 pics for \$5, 30 for \$10. No samples given. All orders filled within 10 days.

The M. Miller one, most of them were on a half sheet of plain stationery, were handwritten.

I have the kind of pictures you are looking for, the hard-to-get kind. 6 for \$3, 25 for \$10; one 8-millimeter movie \$7. Offer is limited.

Chairman KEFAUVER. What is that 8-millimeter movie?

Mr. CRAUGH. We never saw it. That's the only description. It doesn't give any description of what might be on it.

The next one is the G. Wallis mailing. This was typewritten in green ink.

Men, the enclosed sample is proof I have what you are looking for. Assortment of 35 for \$10, or a larger assortment of the best for \$15. These will never again be offered. Offer good only 2 weeks. Also I have shorts, action shots of Tom Neal and Barbara Payton, shots Franchot Tone divorced her for. These are a special gift with all \$15 orders.

Mr. CHUMBRIS. Mr. Craugh, identify the basic information received from Technoprint which covers the orders of printing of the envelopes and circulars.

Mr. CRAUGH. Mr. LaVault will do that.

Mr. LAVault. I spoke to the operator of Technoprint Co. in Providence here. He informed me that on or about June 4 a woman who identified herself as Dorothy Tager, 11 Rose Court, Narragansett, called at his place of business and placed an order for printed matter. She had with her a typewritten sample of the circular she desired printed. They printed 5,000 of that particular circular, including the 2 envelopes, the 1 for mailing and the 1 for the return.

Subsequent to June 4 two other orders were received from Mrs. Tager. The three were in the name of Robert Adams, John E. Carter, and J. V. Bush.

Mr. CHUMBRIS. Do you have any information as to where the Drake circulars were printed?

Mr. LAVault. They were obtained from the same place, also.

Chairman KEFAUVER. I didn't understand from where they were obtained.

Mr. LAVault. Technoprint, sir.

Chairman KEFAUVER. Is that here in Providence?

Mr. LAVault. Yes, sir. On Empire Street, in Providence.

Mr. CHUMBRIS. Do you know what the cost was for the circulars?

Mr. LAVault. Yes; I have a record of that there, I believe. The first order for Robert Adams was \$132.60.

Mr. CHUMBRIS. Do you have any exhibit there that identifies that with the Calvin Sugarman operation?

Mr. LAVault. Not in this particular record. But it was—

Mr. CHUMBRIS. I think Mr. Craugh has something on that.

Mr. CRAUGH. Yes; I have something on that [looking through records].

Chairman KEFAUVER. You have a check there for payment of it, I take it, have you?

Mr. CRAUGH. There is a check issued against the Bush account on July 12 for \$132.60.

Mr. CHUMBRIS. Which is the exact amount that you referred to?

Mr. LAVault. That's right, sir.

Mr. CHUMBRIS. All right, sir. Now, do you have any other identifying features as to—I think you mentioned that some of these

circulars were printed, others were typewritten, and others were handwritten; is that correct?

Mr. CRAUGH. That's correct.

Mr. CHUMBRIS. Some had green ink, and some had black ink?

Mr. CRAUGH. The first were printed. The Ellis one had black ink. The Miller one was handwritten on a half sheet of paper, and the Wallis one was typed in green ink.

Mr. CHUMBRIS. Do you wish to make any significance of that particular point as to the different type of circular sent out?

Mr. CRAUGH. Well, apparently to have the person receiving them, if they received more than one, think they were doing business, or receiving them from a different concern, different operator.

Mr. CHUMBRIS. Seven different operations; is that correct?

Mr. CRAUGH. Yes.

Mr. CHUMBRIS. Now, did any you three gentlemen talk to Calvin Sugarman personally?

Mr. CRAUGH. Mr. Taey and I did.

Mr. CHUMBRIS. Do you have any affidavits from Mr. Sugarman pertaining to this operation?

Mr. CRAUGH. Yes.

Mr. CHUMBRIS. Would you summarize the contents of the affidavit?

Mr. CRAUGH. We first went to Mr. Sugarman's home on August 24, 1954, and asked him if he would come down to our office, we wanted to talk to him. He demurred at the time; but he did—at first, but he did come down that afternoon.

We told him what we were investigating, and that he appeared to be involved. This was not an affidavit; we just asked him questions, but we didn't administer the oath.

He told us, briefly, that he had begun, he admitted that he was involved to this extent, but he was doing it for an unidentified man from New York City as a favor. He said the man's name was Adams, that he had met him at the Biltmore Hotel in Providence, but would give him no further information. He denied that he knew Mary Tager, Mrs. Tager.

Subsequent to that date he did appear at the office with his attorney, Mr. Adelson, on September 3, and related that he had become acquainted with Mrs. Tager at Kingston Inn; that she wished to publish a book but needed some money. The amount of \$4,000 was the amount she stated would be necessary.

Later she gave him details about this nude picture business, and he went around to set up the drops at the various places, the first five. He disclaimed any knowledge of the Miller or Wallis operation.

Mr. CHUMBRIS. Did you talk to Mrs. Tager?

Mr. CRAUGH. I did.

Mr. CHUMBRIS. And what was the substance of your conference with Mrs. Taber, relating to this operation?

Mr. CRAUGH. On August 25, 1954, Mr. Taey and I called at her home at 11 Rose Court, Narragansett, and after identifying ourselves, told her we wanted to, we asked her if she would tell us about the mail coming to her address under the various names.

She said she was doing work for a Myron Miller, an M. Miller who was not around and was traveling in the South. She would not otherwise identify the person she was doing business with. She claimed that she was not responsible for mailing, preparing or mailing any of

the circulars, and was hired by Miller solely for the purpose of addressing envelopes for the mailings.

We asked her about the various names. At first she indicated she wasn't familiar. For instance, she claimed not to recognize the name Robert Adams. She claimed she forwarded all the mail she received for Miller to West Virginia. We checked that out and there was no Miller at the place in West Virginia that she gave us.

Mr. CHUMBRIS. Did Mrs. Tager become suspicious of Sugarman's operations?

Mr. CRAUGH. According to Mr. Sugarman's statement, apparently she did, because she sent letters to at least two of the drops whereby she gave them instructions to forward the mail rather than to let him pick it up when he would call at a later date.

Mr. CHUMBRIS. Do you have any information as to Mary Dorothy Tager's bank account?

Mr. CRAUGH. This account was opened at a branch of the Providence Union National Bank in Narragansett, on July 7, 1954. A cash deposit of \$150. From July 12 to July 21, cash of \$244 and checks of \$269 were deposited. To August 9, cash of \$45 and checks and money orders of \$823. From August 16 to September 28, cash of \$155 and checks of \$143. Total cash, \$594; checks totaling \$1,085; or a grand total of \$1,679 deposited.

Mr. CHUMBRIS. Do you have anything further on that point?

Mr. CRAUGH. On June 28 a check was drawn to the order of Dorothy Tager by Robert Adams. I believe that is shown on a deposit slip. That was signed on the back, on the reverse, Dorothy Tager.

Chairman KEFAUVER. Is that the same signature on the Robert Adams check that is endorsed by Mr. Sugarman?

Mr. CRAUGH. Where the name Adams appears to be the same.

Chairman KEFAUVER. The same bank account?

Mr. CRAUGH. It is the same bank account.

Mr. CHUMBRIS. Now we have a reference to an Old Division letter. Would you please comment on that point?

Mr. CRAUGH. In an effort to obtain more evidence on the extent of the operations, we did request assistance from inspectors throughout the country and asked them to interview people who might have been engaged, or who might have received orders from these various names.

Mr. CHUMBRIS. In your investigation of the matter had you become convinced that fraud had been committed?

Mr. CRAUGH. We could find no evidence that anybody had received any pictures for the money they had remitted, money or other values they had remitted.

Mr. CHUMBRIS. Would you explain that a little bit more? People sent in money with the orders; is that correct?

Mr. CRAUGH. That is right.

Mr. CHUMBRIS. And from your investigation no one had received any material for that money sent?

Mr. CRAUGH. That is right.

Mr. CHUMBRIS. Is that what your investigation showed?

Mr. CRAUGH. That is what was indicated at that time.

Chairman KEFAUVER. Was this literature sent all over the United States, various and sundry States?

Mr. CRAUGH. Yes; it was including Alaska, I believe.

Chairman KEFAUVER. All over the United States and Alaska?

Mr. CRAUGH. Yes.

Chairman KEFAUVER. Something over 30,000?

Mr. CRAUGH. I beg your pardon?

Chairman KEFAUVER. Did you find where 30,000 had been sent, or something of that sort?

Mr. CRAUGH. No; not in this particular exhibit. It was indicated that, well, at least 30,000 letters, approximately 30,000 letters of all types had probably been sent, soliciting orders for merchandise, for the pictures.

Chairman KEFAUVER. How many remittances did you get evidence had been sent back or can you estimate it?

Mr. CRAUGH. The closest one I had was on the Worcester operation, where there were apparently 241 orders there. Some of the others were difficult to tell because they had no—they kept no records of how many pieces of mail, either.

Chairman KEFAUVER. They sent their money and did not get anything back?

Mr. CRAUGH. That's right.

Mr. CHUMBRIS. You developed the fraud angle of this investigation; did you?

Mr. CRAUGH. Well, briefly, I can give you a few examples of what people sent in, how much they sent in, and didn't receive anything in return.

Pennsylvania: a \$10 money order to the name of Drake and a \$10 check to Adams. The check in that case bore, in addition to the Adams endorsement, also a J. V. Bush endorsement.

Three checks in the amounts of \$3, \$3, and \$5 to Carter, Miller, and Ellis. That was from the same person.

Mr. CHUMBRIS. From the same person?

Mr. CRAUGH. Yes, sir; a total of \$11.

This is from Georgia. Earl Drake, \$10 money order; Wallis, a \$15 money order. No pictures.

Pennsylvania. Carter, \$10; Wallis, \$15. Both cash in that instance.

Mr. CHUMBRIS. Did you have any instances where 1 person was defrauded more than 1 time?

Mr. CRAUGH. That one I just mentioned, there is 1 there with 3.

Mr. CHUMBRIS. How many instances of that do you have?

Mr. CRAUGH. There must be, well, 40 or 50 at least that we have evidence of.

Mr. CHUMBRIS. Are you going to submit any of those as exhibits for the record, or is this part of your file?

Mr. CRAUGH. This is all part of our files.

Mr. CHUMBRIS. Let's see, how many do you have in your hand there?

Mr. CRAUGH. I must have approximately 25 or 30 here.

Mr. CHUMBRIS. And how many did you receive altogether?

Mr. CRAUGH. It was well over 100, I would say, approximately 150 at least.

Mr. CHUMBRIS. 150?

Mr. CRAUGH. I think that was about the amount.

Mr. CHUMBRIS. That is of those people who have complained; is that correct?

Mr. CRAUGH. No; not necessarily. Some complained but most of these did not complain.

Mr. CHUMBRIS. I mean, through your investigation.

Mr. CRAUGH. We took action to see if they had received anything from return addresses we noted on the mail, going to the various drops.

Mr. CHUMBRIS. On this all-division letter, was that subsequently countermanded?

Mr. CRAUGH. We did receive instructions that a further study would be made of the matter and that we wouldn't send out any more for the time being, making more requests for the time being.

Mr. CHUMBRIS. I understand there was a reference to paragraph 5 of the all-division letter. Will you please explain that?

Mr. CRAUGH. We stated, "The investigation strongly indicates violation of the mail fraud statutes in addition to the obscene statute."

Chairman KEFAUVER. You felt two statutes had been violated, the obscene statute and the mail fraud statute?

Mr. CRAUGH. Yes.

Mr. CHUMBRIS. Then after you came to that decision, what was your next step?

Mr. CRAUGH. I think we discussed the matter with—we had discussed the matter prior to this with the United States attorney, and I kept him informed of—

Mr. CHUMBRIS. When was that?

Mr. CRAUGH. I think right from the, almost from the beginning of the investigation.

Mr. CHUMBRIS. And continuing on until what period?

Mr. CRAUGH. Until the arrest of Mrs. Tager.

Mr. CHUMBRIS. What was Mrs. Tager arrested for?

Mr. CRAUGH. Mailing obscene pictures, using the mails to send an obscene picture.

Mr. CHUMBRIS. Was any charge lodged against her for fraud?

Mr. CRAUGH. No.

Mr. CHUMBRIS. Was there any charge lodged against Calvin Sugarman at that time for either fraud or for mailing obscene literature?

Mr. CRAUGH. No.

Mr. CHUMBRIS. That takes it up to what date?

Mr. CRAUGH. She was arrested on September 10, 1954—no; she was arrested on the 13th, September 13. A warrant was issued on September 10, 1954.

Mr. CHUMBRIS. And her case was disposed of in June 1955?

Mr. CRAUGH. That's right.

Mr. CHUMBRIS. Up to June 1955 had any complaint been lodged against Calvin Sugarman?

Mr. CRAUGH. No; not to my knowledge.

Mr. CHUMBRIS. When I refer to "complaint," I am referring to an official complaint through the United States attorney's office. I believe you said you took it up with the United States attorney's office?

Mr. CRAUGH. We had apprised him of the facts.

Mr. CHUMBRIS. Do you know whether that matter had ever been presented to a grand jury up to June 1955?

Mr. CRAUGH. You mean the case of—

Mr. CHUMBRIS. Either the question of fraud or the question of mailing obscene literature, against Calvin Sugarman?

Mr. CRAUGH. There was a grand jury session on December 27.

Mr. CHUMBRIS. Of what year?

Mr. CRAUGH. 1954.

Mr. CHUMBRIS. Was that the Sugarman case, Calvin Sugarman?

Mr. CRAUGH. That was the Tager case.

Mr. CHUMBRIS. I am referring to Calvin Sugarman.

Mr. CRAUGH. There is no case against Calvin Sugarman.

Mr. CHUMBRIS. There was no case against Calvin Sugarman through June 1955; is that correct?

Mr. CRAUGH. That's correct.

Mr. CHUMBRIS. You said the case against Mrs. Tager was disposed of in June 1955. How was it disposed and on what charge?

Mr. CRAUGH. I believe she pleaded guilty to several counts of mailing obscene literature, or mailing obscene pictures, and she received 2 years' probation.

Mr. CHUMBRIS. Was there any fine attached to that?

Mr. CRAUGH. No fine that I know of.

Mr. CHUMBRIS. Getting back to Mrs. Tager, you say, what was the date of her arrest on the west coast?

Mr. CRAUGH. I think it was September 13, 1954. That was the date she was picked up by the marshals.

Mr. CHUMBRIS. I am referring to in April of 1955 on the west coast.

Mr. CRAUGH. She didn't appear for trial called here at Providence on April 20, and Inspector Egan and I had a lead and sent word to the west coast to see if she could be located there. Inspector Stapenhorst and Inspector Schneringer located her the night of April 30, and she was eventually brought back here by the marshals.

Mr. CHUMBRIS. Did she submit an affidavit around that time?

Mr. CRAUGH. Inspector Schneringer and Inspector Stapenhorst did obtain an affidavit from her.

Mr. CHUMBRIS. Do you have a copy of that affidavit in your file?

Mr. CRAUGH. I do.

Mr. CHUMBRIS. Do you have a copy that you could submit for the record?

Mr. CRAUGH. I just have this copy here.

Mr. CHUMBRIS. You have submitted a copy to the staff. I wish to introduce a copy of that affidavit.

Chairman KEFAUVER. Let it be admitted.

(The affidavit referred to above is as follows:)

Following is a sworn statement given by Mrs. Tager at the time of her arrest on April 30, 1955:

"I, Mrs. Mary Dorothy Tager, having been duly sworn depose and say:

"The following statements are made freely and voluntarily, without any promises or threats, and with the knowledge they may be used for or against me. It is my desire that all the facts relating to my activities during my residence in Rhode Island the last 2 years be brought to light, and these following statements are a true and accurate account of them, including the circumstances leading up to my arrest at Narragansett, R. I., last September.

"I can say at the beginning that it has been fairly well known I sold through the mails in California pictures of the so-called art variety. Some were alleged to have been in the category of obscene pictures, but I know I never handled or sold squeamish pictures, or any which in my opinion could be (called) considered obscene. I was never arrested prior to September 1954. These activities of which I speak were during 1949 and 1950.

"I separated from my husband, Louis Tager, and then divorced him in 1951. I was quite broken up, and my health was poor. I therefore returned to my mother's home at Narragansett, R. I., in December 1952. I was very ill, and remained confined in the house until some time in March 1953. I then secured employment at the Coast Guard House, Narragansett, R. I., as a waitress, and worked there until September 1953. I then worked for the same employer, William Bolster, at another of his restaurants in West Greenwich, R. I., from September to November 1953. I collapsed at work and spent the next 6 weeks in the South County Hospital, Wakefield, R. I. I was operated on in November for an intestinal ailment (malignant growths) and got out of the hospital about Christmas 1953. I was unable to work or do anything until about April 1954. I applied for employment at the Kingston Inn, and there I met a Mr. Carl Sherman whose correct name I was later to learn is Calvin Sugarman. We dated a few times. I had been writing a book about the nude picture business. Carl (Calvin) read part of my completed manuscript, and became interested in selling pictures. He had been in some sort of mail order business (merchandise) but lost a lot of money. He wanted and needed negatives and mailing lists. I needed money. I sold him a total of \$1,800 for a number of negatives and about 50,000 to 60,000 names. I sold the negatives, as I recall, for \$2.50 each set of eight. The mailing list names were \$15 per thousand. These negatives and mailing lists were part of the old Ross-Louis Tager operation material.

"My health was still not good, and I had lost any desire to actively engage in the old picture business. Therefore I was content to advise and help Calvin Sugarman to some extent in his operating the picture business through the mails. I did some of the stuffing and sealing of the envelopes containing the advertising literature. I did this at my home and was paid \$6.50 per thousand by Sugarman. Miss Shirley Barber (age about 20) of Wakefield, R. I., also did some of the typing, stuffing, and sealing. Some of this work she did at my home; some at her home. I did not receive any compensation from Sugarman. I did not receive any profits or percentage from the operation which was actually his. The first money I received from Sugarman was three or four hundred dollars, in the form of his own personal check drawn against his account at the Industrial Trust Co., Hope Street branch bank, which was in his neighborhood. After the elapse of a few weeks he began paying off the balance of the \$1,800 by giving me \$50 or \$100 every night or so, although there were days when I received nothing from him. Sugarman still owes me a couple hundred dollars. Now when he paid me these additional amounts, the payment was in the form of currency and checks which he had received in orders for pictures. I can positively state that the negatives I sold Sugarman were the strictly art photo type. I did not sell him any that are of the pornographic type. I have never handled any of the pornographic or real obscene kind.

"Sugarman arranged for his own mail drops and selected the various fictitious names which were used in the operation. In stuffing the envelopes I of course had occasion to see the names and addresses he used for his return orders. I don't remember them except that he used the name Busch; also Adams and possibly Drake. As a matter of fact, I had reason to believe that Sugarman opened a bank account in the name of Busch. I am of the recollection this account was at the main office of the Industrial Trust. He issued a check payable to me in a substantial sum of, I believe, \$200, and I deposited it in my bank account at the Wakefield-Narragansett branch of the Industrial Trust. Sugarman had secretarial addresses in Connecticut, Massachusetts, and Rhode Island. I did not, as mentioned above, arrange for any of those mail drops. However, without my knowledge and consent Sugarman must have arranged for some of these drops to forward bundles of returns from the mailings to my home, and he picked them up there. My residence at that time was 11 Rose Court, Narragansett. One time he asked me to pay the next month's bill for a mail drop at Boston, which was in the name of Wallis. I asked the boy friend of my daughter if he would buy and mail the money order for me. His name is Joe Problod, and he usually resides at Providence, but spends the summer in Narragansett.

"I do not know where Sugarman had the picture positives made, but I rather believe it was through some commercial place in Providence which does not ordinarily do that sort of work. I should mention that I never filled any orders and did not know what type of photos Carl was mailing. In all truth I must say he showed me a pornographic picture (Barbara Peyton-Tom Neal) which appeared to me to be a copy print about 14 by 20 inches in size. I must also say I saw some other pornographic type photos in his possession, but I never considered for a moment he should be so stupid as to sell and send them through the mails.

I should have suspected something when I became aware he was mailing out a short 'pitch' to the effect that if the addressee bought a certain amount of the regular photos a photo of Barbara Peyton-Tom Neal would be sent free. I did some of the addressing of envelopes for the mailing of that 'pitch.' I believe 3,500 to 4,000 of these were mailed. Carl (Sugarman) had us (Shirley and me) leave the envelopes unsealed, and he handled them thereafter, presumably stuffing and later filling and mailing the orders.

"I believe Sugarman was obtaining his pornographic pictures from an Italian fellow who had a small pickup truck and had some regular business with the commissary at the Quonset Point Naval Air Base which enabled him entrance to that base. This fellow, whose name I have heard but do not recall now, sells large quantities of those photos.

"I understand one of the indictments relates to a Wallis transaction, and that I deposited the check for the order in my own bank account. The one Wallis check I received was received by me from Sugarman. During the period alleged in my indictment I was very ill and required shots of Demerol every 4 hours. Some of these shots were administered by my doctor, Dr. Thomas Nester, Narragansett. Another person who may be able to corroborate my statements that the enterprise was really operated by Sugarman is Dot Bolster, a neighbor on Rose Court, Narragansett. She has seen Carl engaged in the activity and she has helped, for free, stuff some of the envelopes.

"I returned to California and resided around Orange County since the first part of this year. My case was to come to trial in Federal District Court, Providence, R. I., April 20. The reason I did not return was principally because I was of the opinion this whole deal was a coverup for Sugarman and I was to be left holding the bag for everything and much of which I was not responsible. I might say I was advised by an attorney to 'take off.'

"These statements are made in good faith and are true. Under the circumstances in which I am now placed there would be no particular reason to lie or misrepresent what actually happened."

Mr. CHUMBRIS. Would you summarize the contents of that affidavit?

Mr. CRAUGH. Yes. She summarizes her activity in the nude picture business in California back in 1949 and 1950, separated from Louis Tager, her husband, and divorced in 1951. She was ill for some time, and later came back to Rhode Island in March 1953.

She worked at various restaurants around there, and about April 1954, she met Calvin Sugarman, with whom she went out a few times.

She details her writing a book about the nude picture business, which she intended to publish, and got him interested in. She claims he had been in a sort of mail-order business, but lost a lot of money, and that she sold him a total of negatives and a large mailing list, 50,000 names, for mailing advertisements, apparently, to those who wanted nude pictures.

She said the mailing lists and the negatives were part of the old Ross-Tager operations. She claims she had lost any desire to engage in the old picture business, therefore, she just advised and helped Calvin Sugarman. She did some of the stuffing and sealing, and was paid \$6.50 per thousand for the circulars.

"I did not receive any profits or percentage," but she says she got three or four hundred dollars from Sugarman in the form of his own personal check.

Chairman KEFAUVER. What is the date of that affidavit, sir?

Mr. CRAUGH. April 30, 1955.

Chairman KEFAUVER. Now, sir, from the information you got, letters and investigation, how many people sent money in, or what is your best estimate, where they received nothing back?

Mr. CRAUGH. I would say, this is just an outright estimate, I would say at least 2,000 people. I would estimate close to 2,000 people.

Chairman KEFAUVER. And that is in all parts of the country?

Mr. CRAUGH. That is in all parts of the country.

Chairman KEFAUVER. How many States are involved, do you know?

Mr. CRAUGH. Well, pretty nearly every one of the 48 States.

Chairman KEFAUVER. And the Post Office Department officials felt that there were two laws violated, the law against obscenity and the mail-fraud statute?

Mr. CRAUGH. Yes.

Chairman KEFAUVER. Was Mrs. Tager indicted in connection with this matter or with some other matter? She mailed out something obscene, apparently, and she was indicted for that?

Mr. CRAUGH. For that.

Chairman KEFAUVER. Was that in connection with one of these operations? That was the Boston operation, was it not?

Mr. CRAUGH. That was the Boston operation; yes. Wallis, G. Wallis.

Chairman KEFAUVER. That is the G. Wallis, 18 Tremont Street, in Boston. She pled guilty and got a suspended sentence.

What happened to Mr. Sugarman?

Mr. CRAUGH. Nothing happened to him.

Chairman KEFAUVER. Didn't something happen the other day?

Mr. CRAUGH. I read in the papers that he had been indicted.

Chairman KEFAUVER. All right. Go ahead, Mr. Chumbris.

Mr. CHUMBRIS. Then as far as your investigation is concerned, that brings the Tager-Sugarman matter up to date; is that correct?

Mr. CRAUGH. That's right.

Mr. CHUMBRIS. Do any of you three gentlemen have anything additional to add to what you have already told us?

Mr. LAVault. Nothing.

Mr. TACY. I have nothing.

Mr. CHUMBRIS. When you discussed the matter with the United States attorney, you presented to them the entire picture as you have presented it here, both as to Sugarman and as to Tager?

Mr. CRAUGH. That's correct.

Mr. CHUMBRIS. And only Mrs. Tager was the one who was charged, and she was charged with mailing obscene matter?

Mr. CRAUGH. Yes.

Mr. CHUMBRIS. And no charge was lodged against either Sugarman or Tager for the fraud charges; is that correct?

Mr. CRAUGH. That's correct.

Chairman KEFAUVER. Did you ask for action on the matter?

Mr. CRAUGH. We discussed the matter with them.

Chairman KEFAUVER. That was the purpose of presenting it, I take it, to the United States attorney, to get some action on it; is that it?

Mr. CRAUGH. We presented the facts.

Mr. CHUMBRIS. Did you determine during your investigation whether there was a violation, also, of the State of Rhode Island fictitious address statute?

Mr. CRAUGH. Yes. We had, in our investigation, checked to see whether any of these names, the two names used in Rhode Island, were registered according to State law. We found no record.

Here is the letter from the deputy secretary of state [exhibiting], addressed to Mr. Tacy:

After searching our corporate files we do not find record of Robert Adams Co., nor Joseph V. Bush, either as domestic or foreign corporations. We enclose copy of chapter 386 which you requested—

the law that applies.

Mr. CHUMBRIS. What is the citation of that statute?

Mr. CRAUGH. Chapter 386, General Laws, 1923, chapter 214. I believe that is the full citation.

Mr. CHUMBRIS. And what is the penalty for that, do you have it there?

Mr. CRAUGH (reading):

Any person violating this shall be imprisoned not exceeding 1 year or be fined not exceeding \$500.

Mr. CHUMBRIS. When you presented this matter to the United States attorney's office, did you make any recommendation with submitting the facts and the testimony and the exhibits?

Mr. CRAUGH. We don't dictate to the United States attorney; we present all the facts at our disposal. We don't make recommendations.

Mr. CHUMBRIS. You say you don't make any recommendations. You just submit the facts and you—

Mr. CRAUGH. We submit the facts.

Mr. CHUMBRIS. And I think you stated a moment ago that what you have submitted to the subcommittee now is the same type of material you submitted to the United States attorney; is that correct?

Mr. CRAUGH. That's right; yes, sir.

Chairman KEFAUVER. Anything else, gentlemen?

Mr. CRAUGH. No, sir.

Mr. TACY. No, sir.

Mr. LAVault. I have nothing.

Chairman KEFAUVER. Stay around a while; something might come up.

The committee will stand in recess for 5 minutes.

(A recess was taken.)

Chairman KEFAUVER. The committee will come to order.

Mr. CHUMBRIS. Mr. Craugh, just one question. A little earlier you stated there was a violation of the Rhode Island statute and you turned the matter over to the United States attorney. Now, did you turn that same material over to the attorney general of the State of Rhode Island, or to any of the—

Mr. CRAUGH. No. We made inquiry to see if those names had been registered in Rhode Island.

Mr. CHUMBRIS. But you did not turn whatever material you had over to the State for the State to prosecute; is that correct?

Mr. CRAUGH. That's right.

Mr. CHUMBRIS. You only turned material over to the United States attorney's office?

Mr. CRAUGH. That's correct.

Chairman KEFAUVER. Who is our next witness?

Mr. CHUMBRIS. Arnold Williamson.

Mr. MAINELLI. Senator, my name is Joseph Mainelli. I am the United States attorney for the district of Rhode Island.

In view of the fact that Mr. Sugarman now stands indicted in an indictment that was returned in the Federal district court, and having in mind the case of *Delaney v. The United States*, reported in 199 Federal Reporter, second series, I believe it is at page 507—I am not quite sure of the page number—and anticipating that some of the charges made in the Delaney case might be made in the case of Calvin Sugarman, and some court might have to pass upon whether or not some of the testimony given before this committee will be prejudicial to the defendant, and I feel that Mr. Williamson, as one of my assistants, might be assigned to the trial of this case, and certainly would not like the charge to be placed against him as the prosecutor of having delivered any inflammatory material here, especially in view of the fact that the case is pending, it is my considered judgment that in order to further the ends of justice that it would be better for him not to appear to testify.

I have so instructed him, and I am willing to assume the responsibility in the matter.

Chairman KEFAUVER. Mr. Mainelli, when did you become a United States attorney here?

Mr. MAINELLI. I was nominated by President Eisenhower on July 3, I believe it was, and I was appointed by the court on July 5 of this year as an interim appointment until confirmation by the Senate.

Chairman KEFAUVER. July 5, 1955?

Mr. MAINELLI. That's right, Senator.

Chairman KEFAUVER. When was Mr. Sugarman indicted?

Mr. MAINELLI. Mr. Sugarman was indicted last Friday afternoon.

Chairman KEFAUVER. What date was last Friday?

Mr. MAINELLI. Today is the 8th. I would say it was November 5.

Chairman KEFAUVER. This committee wrote the Attorney General of the United States some days previous to that, asking permission for Mr. Williamson and Mr. Temkin to testify. You are aware of that?

Mr. MAINELLI. I am not, Mr. Senator.

Chairman KEFAUVER. On October 31 I wrote Mr. Brownell a letter setting forth the facts of the case that had been developed here, as secured by our staff, asking permission for these gentlemen to testify, Mr. Temkin and Mr. Williamson.

Five days later an indictment was returned. Why was not something done about this case before this time? You have been here since July 5.

Mr. MAINELLI. Yes; I have. I had contemplated action in this case much before the time that action did take place, but because of other matters I had to defer it; but because of the fact, and having in mind that the ruling in the case of *Delaney v. The United States*, wherein the charge was made that the matters presented at a congressional hearing were inflammatory, and an objection was made to the court in its refusal to dismiss the indictment in that case, the court held that that was not a valid objection because the hearing was held after the grand jury had met to consider the case, and therefore it could not be stated that the matter was inflammatory insofar as procuring the indictment is concerned.

Chairman KEFAUVER. The indictment has been secured here already.

Mr. MAINELLI. That is correct.

Chairman KEFAUVER. You did not act until you were ordered to act after the Attorney General received this letter, did you?

Mr. MAINELLI. Well now, I don't know anything about the Attorney General receiving that letter.

Chairman KEFAUVER. Were you ordered by Washington to proceed against Sugarman?

Mr. MAINELLI. I will not answer that question because any conversation I had with Washington was confidential, as far as I am concerned.

Chairman KEFAUVER. I don't want to have any trouble with you, Mr. Mainelli. Did you act on your own volition or did you receive instructions?

Mr. MAINELLI. Let me say that the ultimate result was of my own volition, because I had called in the postal inspector in this case 2 weeks after I assumed office, and I gave them my view of the matter and told them how I felt about it.

If you will question those gentlemen, I think that they will express to you just what my views were.

I found myself in a position where this subcommittee had scheduled a certain hearing.

Chairman KEFAUVER. Yes; and I have an idea that nothing would have happened if we had not scheduled hearings, too.

Mr. MAINELLI. That is your opinion, Senator. Of course you are entitled to it.

Chairman KEFAUVER. The letter to the Attorney General will be marked "Exhibit 6."

(The letter above referred to is as follows:)

OCTOBER 31, 1955.

Hon. HERBERT BROWNELL, Jr.,  
Attorney General of the United States,  
Department of Justice, Washington, D. C.

DEAR MR. BROWNELL: The United States Senate Subcommittee To Investigate Juvenile Delinquency is contemplating a hearing on November 8, 1955, in Providence, R. I. Aside from various community aspects of the juvenile delinquency problem, the subcommittee is desirous of inquiring into the manufacture, distribution, sale, and possession of pornographic, indecent, and lewd material.

One of the serious situations in pornography revolves around the partnership of Mary Dorothy Tager and Calvin Sugarman. The use of the United States mails to transmit pornographic and obscene materials in three States in New England was investigated by our staff several weeks ago. In addition, the subcommittee conducted an investigation concerning some 30,000 pieces of advertising that was transmitted through the mails for pornographic material by said Tager and Sugarman, which resulted in their receiving numerous payments for this obscene material, none of which was delivered to the potential purchasers. There appear to be a least 200 counts on a mail fraud charge which were never prosecuted.

In connection with the above, the subcommittee, at its hearings in Providence, desires to hear the persons concerned in this matter, particularly former United States Attorney Jacob Temkin and present Assistant United States Attorney Arnold Williamson who prosecuted this case. The post office witnesses have signified their intention to testify, but both Messrs. Temkin and Williamson stated that they would not testify without prior approval and permission from your office.

The subcommittee intends to subpna both Messrs. Temkin and Williamson, as it feels that their testimony is vital to the investigation and hearings contemplated in Providence, R. I., as previously mentioned.

We would appreciate an early reply from your office as to whether Messrs. Temkin and Williamson will be given permission from your office to testify.

With kindest regards, I am

Sincerely,

ESTES KEFAUVER, Chairman.

Chairman KEFAUVER. Mr. Mainelli, if you will come and sit down, please.

How many assistant district attorneys do you have here?

Mr. MAINELLI. Two. That is 1 less than the office had 2 years ago.

Chairman KEFAUVER. Mr. Williamson, and who is your other?

Mr. MAINELLI. Samuel Tanzi.

Chairman KEFAUVER. Do both of them try criminal cases?

Mr. MAINELLI. Mr. Tanzi has only been in the office since last December, I believe. I don't know how extensive his trial practice as been in criminal cases in the office.

Chairman KEFAUVER. How long has Mr. Williamson been in the office?

Mr. MAINELLI. I am just guessing at this. About a year and a half.

Chairman KEFAUVER. He is a young lawyer; is he not?

Mr. MAINELLI. They are both young men, Senator.

Chairman KEFAUVER. Both are experienced, are they not?

Your objection is on the basis that you might assign Mr. Williamson to try this case, and in that event, why, he might be prejudiced in connection with it; is that your objection?

Mr. MAINELLI. Well, no, Mr. Senator. My objection is to the subject matter of this hearing. I feel that so long as there is an indictment pending, the charge might be made in open court that inflammatory matter of such a nature as to prejudice the defendant's right may be adduced as a result of this hearing.

I will, of course, be in a position where I will have to contest any such allegation. I certainly——

Chairman KEFAUVER. That is for the court to pass on, whether a change of venue should be granted; is it not?

Mr. MAINELLI. That is correct, Mr. Senator.

Chairman KEFAUVER. This case is not on all fours with the Delaney case, is it, Mr. Mainelli? I have forgotten that case, but it seems to me that in that case the Attorney General of the United States in Washington asked that the witnesses not testify.

Mr. MAINELLI. As far as the facts in that case are concerned, I am not concerned with what transpired at the hearing, because I know nothing about that. But as far as the facts in the case are concerned, as reported in the opinion, in my opinion they are analogous.

Chairman KEFAUVER. They held that it could not be prejudicial in connection with the securing of the indictment because the hearing was held afterward?

Mr. MAINELLI. That's correct.

Chairman KEFAUVER. Isn't that the same thing here?

Mr. MAINELLI. No; I beg to differ with you, Senator, because the conviction was reversed on the ground that matters prejudicial to the defendant were adduced at a hearing before the Senate subcommittee after the indictment had been returned.

Now we find ourselves in the same situation here, identically.

Chairman KEFAUVER. What the court held was that under the particular situation in that case there should have been a change of venue; isn't that correct?

Mr. MAINELLI. I don't say that the court held there should have been a change of venue. I know that the conviction——

Chairman KEFAUVER. That is a case that arose in Boston?

Mr. MAINELLI. That's correct. The conviction was reversed on the ground that—

Chairman KEFAUVER. On the refusal of the judge to grant a change of venue under the particular facts of that case. Isn't that correct?

Mr. MAINELLI. No; I don't think so, Senator. If my recollection serves me, there was a motion, or rather the case had been assigned for trial and a motion was made to defer the trial to some later time so as to permit enough time to elapse to sort of wear out whatever prejudicial matter had been presented at that subcommittee hearing.

The court of appeals held that that motion should have been sustained and that the trial should have been deferred until such time as whatever prejudicial matter had been adduced at the hearing might have worn off so that the defendant there might have received a fair trial.

Chairman KEFAUVER. I think it was on a matter of change of venue under the particular facts of that case.

In any event, we have heard your statement about it, and thank you very much, Mr. Mainelli.

Mr. Williamson, will you come around, sir.

Mr. MAINELLI. I will have to send for him, sir. He is downstairs.

Chairman KEFAUVER. Well, send for him.

Mr. MAINELLI. All right.

Chairman KEFAUVER. Mr. Craugh, when did you turn substantial information over to the United States attorney and to whom did you turn it over here?

Mr. CRAUGH. It was about September 17.

Chairman KEFAUVER. 1954?

Mr. CRAUGH. 16th; 1954. And that was mailed to the office of Mr. Jacob Temkin, who was then United States attorney.

Chairman KEFAUVER. Your investigation then was substantially completed and the information turned over at that time?

Mrs. CRAUGH. Yes, sir.

Chairman KEFAUVER. September 16, 1954?

Mr. CRAUGH. Yes. I think that was the date, sir.

Chairman KEFAUVER. Who is the next witness?

Mr. CHUMBRIS. Mr. Jacob Temkin.

Chairman KEFAUVER. Mr. Temkin, do you solemnly swear the testimony you will give at this hearing will be the whole truth, so help you God?

Mr. TEMKIN. I do.

#### TESTIMONY OF JACOB TEMKIN

Chairman KEFAUVER. Mr. Temkin, do you want to tell us about this matter, or, what is your position?

Mr. TEMKIN. I think perhaps, Senator, you put me on the defensive by posing it that way.

I think you will be interested, nevertheless, in my position.

Chairman KEFAUVER. I don't mean to put it in the way that causes you any effrontery, Mr. Temkin. I just wanted to know if you wanted to tell us about the matter.

Mr. TEMKIN. It seems to me the other witnesses in this particular case, Senator, were called, they were asked to give their names, their background, and then submit themselves to questioning.

Chairman KEFAUVER. All right, sir. We will do with you that way.

Mr. TEMKIN. I think you ought to proceed in an orderly manner. I don't want to be critical, but it seems to me if you are going to follow an orderly procedure, I would like to proceed in that manner.

Chairman KEFAUVER. Very well, Mr. Temkin.

Mr. TEMKIN. I will give my name and my address.

Chairman KEFAUVER. If you will give your name and address, sir.

Mr. TEMKIN. And background.

Chairman KEFAUVER. Yes, sir.

Mr. TEMKIN. My name is Jacob S. Temkin. I am an attorney. My office is at 540 Hospital Trust Building, Providence, R. I. I reside at 15 Harwich Road, Providence, R. I.

My background is as follows. I was born in Providence——

Chairman KEFAUVER. Do you want to sit down?

Mr. TEMKIN. I think I am a little more comfortable standing up, if it doesn't make any difference to you, sir.

Chairman KEFAUVER. All right, sir.

Mr. TEMKIN. My background is as follows. I was born in Providence, attended the public schools here. I am a graduate of Brown University, the class of 1926, with the degrees of bachelor of arts and master of arts in that year. I am a graduate of Harvard Law School with the degree of bachelor of laws in the year 1929.

I was admitted to the bar of the State of Rhode Island in 1929, and I have continuously practiced in this jurisdiction since that time. I am a member of other bars, including Federal bar, circuit court of appeals bar and the Supreme Court of the United States bar.

In 1939 and 1940 I was an assistant attorney general for the State of Rhode Island. In 1942 through a portion of 1944 I was the chief legal officer of the Rhode Island office of OPA. A portion of that time I was acting regional enforcement attorney of IPA in New England, and I was a special assistant to the United States attorney for the district of Rhode Island, handling OPA matters.

From June 30, 1953, through July 2, 1955, I was the United States attorney for the district of Rhode Island.

Chairman KEFAUVER. I did not understand those dates, Mr. Temkin.

Mr. TEMKIN. Am I talking loud enough for you, sir?

Chairman KEFAUVER. Yes; but this June 1953, you said?

Mr. TEMKIN. June 30, 1953, through July 2, 1955, I was United States attorney for the district of Rhode Island.

My interests have not been strictly legal, and I would like to mention them because they have a direct bearing on the content of the case under discussion and because of their relevancy to the subject matter of this particular subcommittee, of which you are the chairman.

For many years I have been interested in social welfare activities of various kinds. For 25 years I have been in an executive position with the Jewish Family and Children's Service, 10 years of which I was president of that organization.

For more than 15 years I have been a trustee of the Jewish Children's Home of Rhode Island, which operated the Jewish Orphanage, and

later when that was closed, operated a camp for underprivileged children.

For more than 10 years I have been a director of the Narragansett Council Boy Scouts of America, which has jurisdiction in the State of Rhode Island, parts of Massachusetts.

For several years I was associated with the Council of Social Agencies of the city of Providence, and I have been chairman of that organization.

I have been on various committees of one kind or another having to do with civic functions and public welfare.

For more than 10 years I have been actively associated with the Miriam Hospital during that time, and now I am on its executive committee.

Mr. Chairman, you will be interested to know—I don't have to call it to your attention—prior to saying that let me say this, that for 2 years I was on the executive committee of the bar association. For 2 subsequent years I was chairman of the executive committee of the Rhode Island Bar Association. Now I will come back to what I was referring a moment ago.

Mr. Chairman, in 1951, you headed a committee known as the Kefauver committee, which was interested in investigating organized crime in interstate commerce. In August of 1951, you submitted your report as chairman of that committee. That report in due course was submitted to the Governor of the State of Rhode Island, Dennis J. Roberts, who testified here this morning. Governor Roberts, through the Attorney General, asked the bar association, the Rhode Island Bar Association, to appoint a committee to consider the recommendations of the Kefauver committee, so-called, as they applied to conditions in the State of Rhode Island. I was privileged to be the chairman of that committee, which held hearings and submitted a report to the Governor of the State of Rhode Island in connection with organized crime in this State. As the same, they had been at that time taking into account the recommendations which your committee, of which you were chairman, had submitted recommendations to the Senate of the United States; and on that committee, sir, were the present president of the Rhode Island Bar Association, the president-elect of the Rhode Island Bar Association, and former president of the bar association, two other highly respected members of the bar who had practiced at least 25 years in this State, a young lawyer as secretary, and myself as chairman.

Now, I mentioned to you, sir, a short time ago that my background would have relevancy to the subject matter with which you are concerned, and I as a private citizen am concerned. You will recall this morning, Judge McCabe spoke of a wheel, of a hub, and spokes. Sir, I call to your attention that the organizations with which I have been affiliated are the spokes in the wheel to which Judge McCabe referred this morning.

If you care to hear further about my background, I will be glad to elaborate further. I have given it to you in summary fashion, but I think it is important for you, sir, to know, and the record should contain these facts, because my background, both as a lawyer and as a citizen of this community, would not stand some of the inferences that have been implied in newspaper accounts and in the testimony presented here this afternoon.

I am prepared now, sir, and I give you this statement. You asked me what my position is, I will read this statement.

The reason that I am here is in connection with this Sugarman case. I want to make my position clear. I would like to advise this subcommittee that in my opinion there is serious doubt as to the propriety and legality of questions directed to one who has knowledge of a criminal case which arose during his tenure as United States attorney. I believe this to be true whether an indictment has been returned or not.

I also want to make it clear, however, that I have no hesitancy in answering such questions if this subcommittee holds that it has a right to ask them and is willing to assume the responsibility for the same.

Chairman KEFAUVER. Very well. This subcommittee assumes responsibility for any questions it asks.

I appreciate your statement about your background, a statement of lots of good public service. The only question I wanted to ask is, what was your position about doing something in connection with the Sugarman case?

Mr. TEMKIN. Do you want it in narrative form, sir, or do you want to ask me questions?

Chairman KEFAUVER. I just asked you a question. The matter was presented to you, and what did you do about it?

Mr. TEMKIN. I heard the statements that were given a short time ago—

Chairman KEFAUVER. September 16, 1954.

Mr. TEMKIN. That is not the first date, sir, that the matter was presented to me. I will tell you when the matter was presented to me, and I have to make a preliminary statement in connection with it.

I have not sought the file in this case because I felt it was improper for me to ask for the file in the office of the United States attorney in connection with any matter. I am testifying to the best of my recollection.

Sometime during the summer of 1954, it may have been in July or it may have been in August, Mr. Nelson Tacy, a postal inspector, came to my office. He told me, sir, that he had a matter with reference to using the mails for, or mailing obscene literature through the mails. Naturally I was concerned about such a matter.

He said that Mr. Craugh in Worcester also had some evidence in connection with that case, and the two of them were working together; that Mr. Craugh had consulted the office of the United States attorney in Massachusetts in connection with it. I told him that the jurisdictional matter ought to be straightened out, either Massachusetts would handle it or I would handle it, depending upon the postal inspectors and the evidence that they had.

He also asked me if I knew one Calvin Sugarman. I said I did not. He said, "Do you know Calvin Sugarman of Hope Street?" I said, "I do not." I said, "The only Sugarman that I associate with Hope Street is the Max Sugarman Funeral Home on Hope Street in Providence." He said, "Well, that's the one. Calvin is Max Sugarman's son."

I said, "I do not know Calvin, I know Max Sugarman. He is the only Jewish funeral director in the State of Rhode Island." Such members of my family and relatives who have passed away have

been buried by Mr. Max Sugarman. As I understand his father before him was a funeral director, and he succeeded his father in that line of endeavor.

He told me that he was having trouble with Calvin Sugarman; that he went over to see him, couldn't get him to come down to the office; called up several times, and Calvin Sugarman just did not come down to the office. I told him that in my opinion what he ought to do is to continue his efforts to see if he could not get Calvin Sugarman down to the office.

Calvin Sugarman finally came down to his office, and as I understand the situation—

Chairman KEFAUVER. Is that the father of Calvin Sugarman you are talking about?

Mr. TEMKIN. I am talking about Calvin Sugarman, sir.

Chairman KEFAUVER. I say, this is the father, Max Sugarman, that you are talking about?

Mr. TEMKIN. No; I am not, sir. I am talking about Calvin Sugarman.

Chairman KEFAUVER. But you were talking with Max, the father?

Mr. TEMKIN. I have not mentioned talking with Max Sugarman. And that's one of the things, sir, that I resent. Not your bringing it up now, but the fact that there has been too hasty a decision by certain individuals in connection with this case. I would like to ring it along in sequence, sir, if I may.

Chairman KEFAUVER. I am just trying to get the facts, sir. You went down to the funeral home and talked to somebody; who was it?

Mr. TEMKIN. What is that, sir? I told Nelson Taey.

Chairman KEFAUVER. All right, sir.

Mr. TEMKIN. He is the man who came in to see me and asked me about Calvin Sugarman. I told him I didn't know Calvin Sugarman, but I knew his father, the funeral director, the only Jewish one in this State. And I told Taey to continue his efforts to try to get him down to Taey's office. And he did continue his efforts to bring him down there.

When he got down there, as I understand it from Mr. Taey later, the interview was not productive; it was a denial, and my recollection is that there was no signed statement in connection with it.

Mr. Taey then came to me and said, "We are getting nowhere. We are getting a runaround."

I said, "Well, I told you"—I am talking to Taey now in my office—"I told you, Mr. Taey, that I know Max Sugarman. If you feel that I can be of assistance to you I will be glad to do it. I will be glad to talk to Max Sugarman to see if I can prevail upon him to have his son come down to your office"—Taey's office—"to be interviewed, and to cooperate with the postal authorities."

Mr. Taey said, "I would be very happy if you did that."

Now, Mr. Max Sugarman had a reputation in this community of deep religious convictions, and I felt that if I spoke to someone with that kind of background he might be persuaded to prevail upon his son to cooperate with the postal authorities.

I wrestled with the problem for a few days, for these reasons. I was asking a man—and, sir, may I mention that I know of no other instance where a United States attorney went out of his way in this manner to assist a Federal agency in the prosecution of a case, and

that's why I resent the inferences that have been brought before you with relation to my conduct in this case.

As I say, I wrestled with the problem for a few days because I was going to ask a man to expose his son to what I thought was clear criminal prosecution, or what I was told. Everything that I knew about the case up until that time was the information that Mr. Tacy had given me, and secondly, I had heard that Max Sugarman's days were numbered, that he was suffering from a fatal illness.

I wrestled with that problem, and it is a serious problem. Finally, one Saturday afternoon I reached the conclusion as to how I was going to act and handle this matter. I called up the Max Sugarman Funeral Home and I asked for Mr. Max Sugarman, and he wasn't there. I left my name, I left my telephone number. He called me back later that afternoon at my home, it was a very hot summer's day, and he said, "Mr. Temkin?" I said, "Yes, Mr. Sugarman." He said, "Did you call me?" I said, "Yes. I have a very important matter that I would like to speak to you about."

That's as far as I got. And he said, "Where are you?" And I said, "I am at my home." And he said, "Where do you live?" I said, "387 Coe Avenue, Providence, R. I.," and that is where I was residing at that time.

He said, "I will be right over."

He came to my home in response to my telephone call, and he sat down at one of my chairs—he was an elderly man, I knew he was sick. I had trouble breaking the story to him, as you would or anybody else in my position; but I did break it to him. And I asked him if he knew what his son was doing and whether he understood the involvements that his son was in. And he said, "No," he had no knowledge of it at all. The poor old man broke down in my home. Then I had a job on my hands.

Well, a short time later he left. He came back to my home with another son of his, saying—the son spoke and said he was all upset, he wanted to get more information, he couldn't get it from his father, the father was so upset.

I gave him the information. I wanted him to have his brother Calvin Sugarman go down to the inspector's office and cooperate with him. I made no promises; I know better than that. I was merely trying to be of assistance.

As a result of that situation Calvin Sugarman was down at the cape that weekend. He didn't come home until the following day. And when he came home, his father, as any father would have done, brought him over to my house and he said, "Now you tell Mr. Temkin the whole story." And I refused to listen to it. I said, "You go down to the postal inspectors and tell your story to the postal inspectors."

The next thing that I know, sir, an appointment was made by Mr. Adelson, who represented the Sugarman family, in behalf of Calvin Sugarman, with the postal inspectors, and they went down there, gave their statement. I understand that that statement—and I don't know the contents of the statement, because I have never seen the statement—I understand that statement was dictated for a day and a half, or something like that, was typed off and Calvin Sugarman came in and then signed it.

Then Mr. Tacy came to my office and said, "We got what we wanted, we were stymied up until this point. We couldn't make any progress, we knew certain things but we didn't know everything about this thing, and we didn't have enough on anybody." And he said that in his opinion Mr. Sugarman was telling the whole truth to him.

Now, sir, following that, this is what happened: I had some men in the office, and at that time—although you asked, sir, as to how many assistants there were—I will tell you, sir, that when I came into office there were three assistants. Before long there were only two assistants. The Department of Justice saw fit to eliminate one position in my office.

During the summer of 1954 one of my assistants submitted his resignation, to be effective in the early part of September. Accordingly, from that time on there were just two of us in the office, Mr. Williamson, to whom Mr. Mainelli just referred, and myself.

I had a search of the law made to determine under what sections of the code we could proceed against anybody involved in this case. They were some law clerks whom I had brought into the office that summer.

As I recall the situation, and as I say I am testifying from the best of my recollection, because I have never looked at the file, and that is going to be important to you, sir, in a minute—I had an examination of the law made because I wanted to determine how we could proceed against those who were involved in this particular scheme, which was as repulsive to me then as it is now, and as it has always been to me. We determined other than conspiracy there were 3 sections, then we boiled it down to 2 sections, 1, using the mails to defraud, and the other, mailing obscene literature.

On that particular day Mr. Tacy called me and he said he wanted to come over and see me; and he did. And I thought it was one of the periodic visits he was going to make.

May I interrupt for just one moment. In the course of this investigation there was an account in the Industrial Bank under the name of Dorothy M. Tager. There were checks in that account which at the end of the month, which had gone through clearance, sir, and which at the end of the month would have been returned to Mrs. Tager, the depositor of the account, the drawer of the checks. Mr. Tacy was concerned as to how we could grab those checks, lay our hands on them.

I asked him if he had any experience along those lines, and he said no. Finally, I conceived the idea that we serve a subpoena on the bank, returnable before the grand jury, and that's what I did, and that's why those checks are here, I mean in the office of the United States attorney, subject to scrutiny by the grand jury, and that's the only reason we were able to grab them.

Now coming back to the story, where on a particular day Mr. Tacy called me. Mr. Tacy used to come in to my office frequently. When I say frequently, I mean that there was a slight interruption because, as you will recall, sir, on August 31 of 1954 Hurricane Carol paid this section a visit, and this building was closed down for a week.

It was shortly after that Mr. Tacy called me—it may have been the 10th of September or the 13th, something like that—before I

say that may I also interject this: Mr. Tacy told me that he had endeavored to interview Mrs. Tager down at Narragansett pier; that he was unable to get any information from her; that he had no confidence in what she had to say; that he didn't believe anything she had to say; that the evidence was against anything that she had said.

In any event, on this particular day Mr. Tacy called me and said he would like to come in and see me, and, sir, at no time, as long as I was United States attorney, did I postpone an appointment with any Federal agent of any bureau which he had with me; my office was always open to any one of them at any time to come in and see me.

Chairman KEFAUVER. Mr. Temkin, nobody has accused you of postponing any engagements.

Mr. TEMKIN. No; but I want to come to the important point.

I told him to come right over. The inference in this particular case at this point, I mean prior to the time of my testimony, was that a case was not brought against a particular individual. I want to explain that, and I am coming to it now.

Mr. Tacy did not come over alone; he came over with Mr. Craugh, the man who testified here at length a short time ago, and one Mr. Simon of the Postal Inspector's Office at Washington. I never met Mr. Simon before.

Mr. Tacy brought in the file, put it down on the side of my desk. He said, "We want you to prepare a complaint against Mrs. Tager. We think she is going to leave the jurisdiction. We want to arrest her."

Up until that point, sir, I had an examination of the law made with a view of bringing prosecution not only against her, but anybody in connection with that case.

I said, "What about Mr. Sugarman?"

And Mr. Simon, who seemed to be the spokesman at that point—I never met Mr. Simon, and I said, "What about Mr. Sugarman?"

And he said, "We have no case against him."

Chairman KEFAUVER. Who was that said that?

Mr. TEMKIN. Mr. Simon, Mr. Tacy, and Mr. Craugh. I make that categorical statement, recognizing that I am under oath when I am making it.

And I said, "Are you sure?"

And they said, "Yes."

I said, "Are you sure that you only want to arrest Mrs. Tager?"

And they said, "Yes."

And I said, "Mr. Simon, what is your experience in this field?"—because at that I had read the circuit court opinions, I think one out in the west coast and one out in the Midwest, in which Mrs. Tager's former husband had been involved, and upon which the circuit courts had turned down prosecution.

He said that this was his speciality, that he traveled all over the country, that he did nothing but this. I think he may have said—I asked him whether he was a lawyer, he may have said he was; I am not sure of that.

But he said, after my questioning, "We have gone over this case thoroughly. There is no need to bring any action against Sugarman because we don't have a case against him. We can't tie him up with

the obscene matter, and we don't have a case against him on the other matter."

Whereupon, I prepared the form of complaint for Mr. Tacy to sign. I called the girl in to dictate it, and also the form of warrant which was to be signed by the United States commissioner.

I never saw the file, I never looked at the file, to that point or since that point, and that's also important so far as I am concerned in this case.

Chairman KEFAUVER. Well, sir, why didn't you look at the file?

Mr. TEMKIN. I will come to that. Because I was relying upon these men, and I had every reason to rely on statements of qualified men, or people that I thought was qualified and what is more, sir, it isn't necessary that a Federal agent come to United States attorney to have a form of complaint filled out; it can be filled out by himself before a commissioner and then it can be brought before the court of the United States commissioner, and the United States Attorney's office would represent the Government.

I relied on the statements of those men up until that point. While we were there, until the complaint and warrant were prepared, I said to Mr. Simon, because he appeared to be the spokesman, the man who knew all about this particular type of offense, and he convinced me that he was speaking with authority. I asked him if he had any forms in other jurisdictions, and he said, "Yes," he would send me one; and he did send one later.

I said, "Now, gentlemen, this is the practice of my office. I recognize that an indictment can be brought with any number of counts. With my training as an assistant attorney general in Rhode Island, and my experience in the office of the United States attorney, led me to believe that it was best to follow this policy, that it wasn't necessary to bring every single type of count available; you brought the most important, a reasonable number of the most important counts, and you proceeded on that basis."

And I said, "Gentlemen, while this is fresh in your minds, let me have, and I will jot them down, the most important cases that you feel are the most important and the ones upon which we can establish the guilt of the defendant." And they enumerated some and I jotted them down.

Mrs. Tager in due course was arrested. I appeared in this very room, the United States commissioner, sir, was sitting just where you are. I appeared here in behalf of the Government and asked for bail, proceeded upon a one-count, which was the practice in the office on complaints and warrants, and that was enough for the rest. Bail was set, and I understood that she subsequently furnished the bail.

In my office, as soon as these three gentlemen left, I turned the file over to Mr. Williamson and told him to handle it from there on; I told him what the situation was, what the recommendations of the inspectors were; I told him everything I knew about the case, every fact as I knew it in complete detail; and I turned it over to him to handle.

Now you may ask, sir, at this point if I recognized that this was a serious matter, and I did, why did I assign the case to Mr. Williamson? I think, sir, there is sufficient answer to that. There were two of us in the office at the time, and I am not relying on numbers or lack

of assistance as any excuse in this case. I was concerned at that time with matters affecting organized crime in this community, the very thing, sir, that I referred to when I said I was chairman of a committee considering the recommendations of the Kefauver committee, so-called, and not for 1 month or 1 week or 1 day, but for months on end I was concerned with such a matter, and there was publication of that matter in the Evening Bulletin of August 18, 1954, and it concerned what the newspaper described as a one-time public enemy, and that was a racket, and it involved organized crime, and that was one of the matters that I was concerned with. I brought before the grand jury more than 40 witnesses, notwithstanding that there were only 2 of us in the office.

I tried to break them down, and I worked hard on them. There were two sets of transcripts prepared of the evidence produced at that time. One set I sent to the Department of Justice in Washington. I corralled all the agencies around here, the Internal Revenue, the police departments, local and State, the FBI, anybody that had any kind of relationship to a matter of this kind, I called them in my office, I spoke to them, I got information from them.

I brought those people, the witnesses, 40 or more of them, and I didn't take any vacation that summer, I brought them before the grand jury, and I worked hard, and I sent one of those sets of transcripts down to Washington, because they had set up a special unit in the Department of Justice called Organized Crime, and I felt this thing, felt right within the purview of that particular unit.

Unfortunately, we couldn't produce the evidence, and the grand jury returned no indictment.

I will point out, sir, that in my opinion that was the first time that a grand jury in this jurisdiction had remained beyond its ordinary 6-month term. I recognize that under the Federal Rules of Criminal Procedure that a grand jury is in existence for 18 months, but the practice in this jurisdiction is to clean up everything in 6 months for a grand jury and dismiss it. I kept that grand jury in existence for much more than that because I wasn't satisfied to leave that particular case involving organized crime until I was satisfied I couldn't proceed further with it.

Another matter I handled at that time was one—and I had to investigate it, it involved tax evasion by a very notorious bookie in this community. I spent half of the summer trying to get the evidence in that case. Finally, I did get some evidence. I proceeded against him and I convicted him.

I was also concerned with a very serious tax evasion case sent down by New York jurisdiction where they had already received, where an indictment had already been returned in a case involving some \$3 million in civil liability, and I took that case and I proceeded to work on it, and I tried that case—there were only 2 of us in the office at the time—I tried that case for 3 weeks, and I was successful in getting a conviction, and there were 40 different types of appeals and other kinds of documents that were filed after that in connection with that case, and I handled them all successfully.

That was why, sir, if I have spoken loudly up to this moment, I have spoken loudly because I resent, and I resent it deeply, any implication arising out of irresponsible statements from anybody.

Now let me proceed further. I think you have a picture of my office at the moment, and what we were doing there. We were handling not only criminal cases but civil cases as well. Two of us, and I am not making an issue of that, because I say we did our work and we did it well; and the results prove it.

Arnold Williamson was in charge of that case. I had nothing to do with it after that unless he wanted to ask me a question. He sat down with the investigators, the inspectors; he prepared with them the list of witnesses, and the witnesses—I am making this statement, sir, so you will know to the best of my recollection every detail where I had any connection with this case.

Chairman KEFAUVER. Are you talking about the Tager case now?

Mr. TEMKIN. I am, sir. That's what I am coming to right now.

Chairman KEFAUVER. All right.

Mr. TEMKIN. I had to tell you, sir, what the situation was in the office. Now I am coming back to the Tager case.

The witness subpenaeas, subpenaeas duces tecum, for many years in this office were issued over the name of the United States attorney. As it applies to the Tager case, the witness subpenaeas were issued over my name. There was somebody out in Michigan who claimed he had a heart condition and couldn't come here. He wrote a letter in to that effect, it was addressed to me, but I didn't know who he was. I asked one of the girls to find out who he was. It was somebody in connection with the Tager case, and I wrote him a firm letter that he had to be here, and he was here.

There was somebody in Philadelphia who wrote in to say that there was a case of mistaken identity. I didn't know the name, because no name meant anything to me in connection with that case. I wasn't handling the details of it. I responded to that letter, after getting the information, I said "There is no case of mistaken identity; that the person to whom the subpena was directed is the person to whom it should have been directed." I said, "You appear here. Otherwise, you will be in contempt of the grand jury"; and he did appear.

I think there was somebody else along the same line.

In due course, the case was presented before the grand jury. Mr. Williamson took up with me the matter of the indictment. I did not recall whether I prepared the indictment or reviewed his draft of the indictment. I will say that during the period of time that I was United States attorney I prepared or reviewed every indictment, every criminal information that was presented in court. This was just for technical accuracy, to see that the indictment, or the information, conformed with the requirements of the statute with relation to charging the offense properly.

The grand jury returned the indictment, and I will tell you, sir, what my policy and practice was. Always present the best and primary evidence to the grand jury; leave it up to them as to whether they feel that an indictment should be returned or not. There were strict instructions to me on that account. There were strict instructions they were to bring in anybody that they thought could contribute to the case, or that the grand jury thought could contribute to the case. Those were my strict instructions. It was the policy that I pursued throughout.

The grand jury returned the indictment. In due course, Mrs. Tager was arraigned.

Before, however, the grand jury met in connection with this case, there was another incident with which I ought to familiarize you, sir. A man by the name of Mr. Brady, who had gone bail on the bond, the commissioner's bond of Mrs. Tager, said that he feared she was going to leave the jurisdiction, and he wanted to be relieved. I gave instructions to Mr. Williamson that we had nothing to do with a commissioner's bail bond, that it was a matter that would have to be taken up with the United States commissioner. That may be a technical point, sir, but I merely point it out to you because it is something I am coming to in a moment.

In due course, she was surrendered, and provisional bail was procured.

I think that the grand jury returned its indictment sometime the latter part of December 1954. I think the first Friday of January 1955 was arraignment day, and this was an open indictment, sir. I think that whatever that date was, she came in along with others to be arraigned. Her counsel was one Norman LaSalle, a lawyer of high repute in this community, who had come into the case on a referral basis from some other attorney, he told me.

In any event, the matter took its natural course. I instructed Mr. Williamson to arrange to send out notices to the defendant, to her counsel, and to the surety on the bond that that case would be tried first on the April calendar, I think it was April 20, the third Wednesday, if I recall it, in the month of April. My reason for setting it down so quickly was because of the nature of the offense and because witnesses would have to be coming from various parts of the country.

A few weeks before that time Mr. LaSalle came to me and said he wouldn't be ready to go on with the case because he couldn't prepare it. Mrs. Tager had left town without any forwarding address, but she had left a note, and that note said, "I am not guilty. A lawyer advised me to leave town," and something to the effect that Sugarman had influence.

When Mr. LaSalle brought that to my attention, Mr. Williamson was with me, and the three of us were in the library of the United States attorney's office, I said, "Now, Norman, did you tell her not to leave?"

He said to me, "Do you think I am crazy?"

I said, "I know you to be a reputable lawyer and I know you wouldn't do it." And I said, "Do you think that the lawyer that referred the case made any such statement?"

He said "No."

And I said, "Mr. Williamson, you inquire about that and get the facts on that from this other attorney"; and Mr. Williamson did. He reported that there wasn't any basis for that at all.

I was troubled by the matter of that accusation of influence, and I sat down and I thought about it, and I took that problem home with me—

Chairman KEFAUVER. Just what was the accusation of influence, Mr. Temkin?

MR. TEMKIN. I don't recall specifically. The file will indicate precisely what she said. Because later on I gave instructions to go out

and get that letter, or that note. Something about the influence of Mr. Sugarman.

I had complete confidence in the postal inspectors, and I knew that they weren't involved in influence, or at least I felt that way. I knew I wasn't involved in influence; I am the one that broke the case against Sugarman. And I had complete confidence in Arnold Williamson, and everybody in my office, and I know that there wasn't any influence.

In any event, when she failed to appear, when she was supposed to appear, I insisted, notwithstanding a long plea by her counsel for a postponement, that we wanted a default in a case like that. And Mr. Williamson, acting upon my instructions, presented that view to Judge Day; default was granted; a bench warrant was issued.

Thereafter, I was concerned about her bail jumping. As you will recall, sir, in August of 1954, as a result of the Communist jumping—

Chairman KEFAUVER. Mr. Temkin, I don't want to cut you short. We have a lot of witnesses to be heard. I want you to take all the time you want, but we are not particularly interested in the details of Mrs. Tager's case. What we want to know is about what happened to Mr. Sugarman. But if you are getting to that, why, all right.

Mr. TEMKIN. That is the case, sir, from then on.

Chairman KEFAUVER. You are talking in some detail about Mrs. Tager.

Mr. TEMKIN. Because there is another reference, and there was introduced as an exhibit just before I testified, a certain document. I think I would like to work up to that point.

Chairman KEFAUVER. All right, sir. What happened to Mrs. Tager? Let's get that out of the way.

Mr. TEMKIN. That's right. I want to state what the situation was at that moment, because of the Communists jumping bail, the Congress of the United States saw fit to make it an offense to jump bail. There was some problem of jurisdiction between the postal inspectors and the FBI on that matter. I called them both in, and I told them I wanted Mrs. Tager, and I didn't care who got her.

I gave immediate instructions to get that note to which I just referred. That note was procured, and I believe by a postal inspector.

On April 30, Mrs. Tager was apprehended out in the west coast.

Now, I recognize that the worst criminal can be truthful at times, and I don't want to discount it. As a prosecutor, I recognize that you have got to rely upon the testimony, sometimes, of people that you wouldn't associate with but who, nevertheless, will bring forth certain points necessary for the success of a trial.

Mrs. Tager made some statements in that statement, made some remarks in that statement, and I have only a vague recollection of them—

Chairman KEFAUVER. That is the affidavit of Mrs. Tager dated April 30, 1955, to which you refer. You saw that affidavit, I take it?

Mr. TEMKIN. Yes; I saw it.

Mr. Egan brought it over to my office, and I told him either to make a copy of it or leave that one with me and I would make a copy, or he would make a copy, one of the two; I wanted a copy, because at that time the case against Mrs. Tager had not been concluded.

Chairman KEFAUVER. Did you have a copy of it made? What did you do with the affidavit, Mr. Temkin?

Mr. TEMKIN. What is that, sir?

Chairman KEFAUVER. What action—

Mr. TEMKIN. It was turned over to Mr. Williamson who was handling the case.

Chairman KEFAUVER. You read the affidavit, I take it?

Mr. TEMKIN. Oh, yes.

Chairman KEFAUVER. And that was shortly after it was taken, before she was sentenced; is that correct?

Mr. TEMKIN. That affidavit came in, I don't know, a few weeks after April 30. I couldn't say when. I turned it over to Mr. Williamson. We couldn't proceed under the bail jumping statute because 30 days had not elapsed, which was a requirement under the statute.

Chairman KEFAUVER. Mr. Temkin, the thing that I wanted to ask about in connection with the affidavit, I have it here—

Mr. TEMKIN. I haven't seen it since then.

Chairman KEFAUVER. You saw it then. She recites in a great deal of detail how in all of these matters she was just working for Mr. Sugarman.

Mr. TEMKIN. That's right. And I am going to—

Chairman KEFAUVER. And Mr. Sugarman had the accounts, that he had the drops, and he was the one who had the pictures, and that he was a—

Mr. TEMKIN. That statement doesn't say, however, who the attorney was, or name the attorney who told her to beat it away from Rhode Island. That statement doesn't specify who was subjected to influence, and you read it, sir. This is my recollection.

Chairman KEFAUVER. No. I am just saying that—

Mr. TEMKIN. That's right. Why didn't the statement say that? I would like to know.

Chairman KEFAUVER. Just a minute, Mr. Temkin. The point I am making is that she recites in a great deal of detail how each one of these operations with which she was connected were Mr. Sugarman's operations, that he got the money, that she was just working for him, that he had the printing done, and that he saw about the drops. Sugarman arranged for his own mail drops and selected the various fictitious names that were used in the operation. You had this shortly after April 30.

Mr. TEMKIN. That's right. You want to know what I did with that?

Chairman KEFAUVER. Yes.

Mr. TEMKIN. I saw to it that Mr. Williamson got it. Because at that time when she was returned here, the case against her was not concluded, and it was necessary—

Chairman KEFAUVER. Mr. Temkin, it is your responsibility. You were the District Attorney, were you not?

Mr. TEMKIN. Yes, sir.

Chairman KEFAUVER. And—

Mr. TEMKIN. My responsibility to do what?

Chairman KEFAUVER. Your responsibility to enforce the law.

Mr. TEMKIN. Exactly. And this is the way I did it. I turned it over to Mr. Williamson, who was handling the case. My recollection is that he called in Mr. Sugarman and went over every bit of detail in connection with the case. His conclusion was, and I didn't even

see Sugarman in the office, I don't know whether he came there, Mr. Williamson told me that he was there, he had gone over the matter with him, that he still believed Mr. Sugarman was telling the truth.

In due course, Mrs. Tager was sentenced. That is as much as I know about the case, sir.

Chairman KEFAUVER. Did he go over the matter with Mrs. Tager to see whether she had sworn to the truth or not?

Mr. TEMKIN. Who had gone over it with Mrs. Tager?

Chairman KEFAUVER. Mr. Williamson.

Mr. TEMKIN. She was a defendant in the case. How would he go over the case, discuss the case with a defendant, sir? A defendant who was incarcerated at the time.

Chairman KEFAUVER. He went over it with the man for whom she was working, and I just thought—

Mr. TEMKIN. That would be highly improper, sir, for him to do that.

Chairman KEFAUVER. Did he question the affidavit of Mrs. Tager?

Mr. TEMKIN. Did he question it?

Chairman KEFAUVER. Yes; the truthfulness of this affidavit? Did you question the truthfulness of this affidavit?

Mr. TEMKIN. Certainly I questioned it. I questioned it at all times, and for these reasons—

Chairman KEFAUVER. Mr. Temkin—

Mr. TEMKIN. I think you ought to permit me to continue.

Chairman KEFAUVER. I just wanted to make this observation, that her affidavit in fact is almost identical to what these gentlemen have testified on the record; that is, the dates, the names, the amounts of money, the checks.

Did you compare this affidavit with the record that these people had?

Mr. TEMKIN. No, sir; I did not know what the case said. I turned the matter over to Mr. Williamson.

Chairman KEFAUVER. You took the record home 1 night with you?

Mr. TEMKIN. I did?

Chairman KEFAUVER. Yes.

Mr. TEMKIN. Never did, sir.

Chairman KEFAUVER. Let's see. I had a letter here I was just reading.

Mr. TEMKIN. What does it say?

Chairman KEFAUVER. That Mr. Tacy was writing Mr. Simon, I don't know, Mr. Tacy; is this correct?

The United States attorney took all the papers home with him last night, and I have not heard from him since.

September 17, 1954; is that correct?

Mr. TACY. That's correct, if I wrote it, sir. Yes, sir. I wrote the letter to Mr. Simon. That's the way I understood it.

Chairman KEFAUVER. Is that this gentleman here?

Mr. TACY. That's this gentleman right here, sir [indicating Mr. Temkin].

Mr. TEMKIN. I never took that folder home. I never read it. That isn't my letter, sir, and you as an attorney should recognize that there is no value to that statement.

Chairman KEFAUVER. That is what this gentleman said.

Mr. TEMKIN. Well—

Chairman KEFAUVER. In any event, Mr. Temkin——

Mr. TEMKIN. I think that you have to consider the probabilities, sir.

Chairman KEFAUVER. In any event, you were the attorney, you were the district attorney. The file was in your possession, it was in your custody, whether you assigned it out to Mr. Williamson, or whoever you assigned it to, it was your responsibility to do what that file indicated you should do; was it not?

Mr. TEMKIN. Personally, sir?

Chairman KEFAUVER. Well, as district attorney.

Mr. TEMKIN. Certainly. I did what any district attorney would do. I was handling matters, and I assigned the case to him, and he handled the case.

Chairman KEFAUVER. I just want to get this straight. Is it your statement here that nothing was done because Mr. Williamson didn't act?

Mr. TEMKIN. What do you mean, sir?

Chairman KEFAUVER. I mean, are you passing the buck to Mr. Williamson? That's what I want to know.

Mr. TEMKIN. No; I am not passing the buck. But I don't like the inference.

I told you categorically, sir, that when the three inspectors came in to my office, they said they had no case against Sugarman. And I turned the matter over to Mr. Williamson to handle it as a routine matter.

Chairman KEFAUVER. Mr. Temkin——

Mr. TEMKIN. Yes, sir.

Chairman KEFAUVER. Even if they had said that, and we will ask them about that in a minute, you apparently thought you had a case against Mrs. Tager, and you have her affidavit which is at least evidence of what she would testify, of amounts, places, and in which she says Mr. Sugarman was the principal, and she was only working for him.

Mr. TEMKIN. Well, Mr. Williamson was handling the matter. That is April 30. When those gentlemen came into my office, it was the beginning of September 1954. This is April 30, 1955, that the statement was given to which you refer, sir, and which has been introduced as an exhibit in this case.

Chairman KEFAUVER. You were still the district attorney, and you were for 3 months afterward.

Mr. TEMKIN. I certainly was. And the fact that I was in office only 3 months after that didn't mean to say that I didn't continue to work with the same degree of vigor and zeal in behalf of the Government.

Chairman KEFAUVER. All right, sir.

Mrs. Tager got a suspended sentence; is that correct?

Mr. TEMKIN. No. She was put on probation for 2 years.

Chairman KEFAUVER. How did that happen; did she come out here?

Mr. TEMKIN. Yes. She was returned here.

Chairman KEFAUVER. Did you recommend the 2 years, or agree to it?

Mr. TEMKIN. I did not recommend it and I did not agree to it. What happened was that Mr. Williamson, who had been handling the

case, spoke with Mr. Normal LaSalle. As a result of that conversation, Mr. Williamson came to me and said. "The facts are these. A first offender. A woman in poor physical condition. I think because she has been in jail for some 2 months that a probation would be a proper disposition."

I said, "That is your recommendation?" And he said, "I want to recommend it."

I said, "You are close to the case. While I personally wouldn't do it, you are close to the case, it is your considered judgment. If you feel that that's what it should be, then I will stand back of you."

Chairman KEFAUVER. Anything else, Mr. Temkin?

Mr. TEMKIN. Not unless you decide to ask me further questions, sir.

Chairman KEFAUVER. Mr. Temkin.

Mr. TEMKIN. Yes, sir.

Chairman KEFAUVER. Mr. Taey, I believe, had testified that the investigative trial and whatnot was turned over to you on September 16, 1954. Is that about the time?

Mr. TEMKIN. No, sir. That investigative file was put on my desk the day that the three gentlemen came in and the date that the complaint was sworn to. Whatever that date was, that is the date.

He didn't bring in a file subsequent to that time. It was right in the corner of my desk, because—and this, sir, is the verification of it. While the complaint was being typed and the form of warrant, and I asked the gentlemen while the matter was fresh in their minds what were the best cases upon which they could proceed, and I recognize the proceeding under obscene literature is a more serious offense than proceeding under the charge of using the mails to defraud, when it is \$5,000 and 5 years in jail, my recollection is that on the other it is 5 years in jail and \$1,000 fine—

Chairman KEFAUVER. Mr. Temkin—

Mr. TEMKIN. I want to answer that particular thing.

I told them to let me see the names of the parties upon whom they had the best cases, and they went to the file and they picked out the names, Mr. Morofsky out in Michigan, somebody out in—two people out in New York. One was a drop of the postal department itself out in the Midwest somewhere. I think one was up in the northern part of New England.

I think that when it came down ultimately to Mr. Williamson to dispose of the case, Mr. Williamson moved to dismiss that particular count in which the postal authorities themselves had used a fictitious name.

Now, there is one thing, sir, before I finish, and I would like to comment on it if you will permit me.

Chairman KEFAUVER. All right. You go ahead. I have been trying to be patient.

Mr. TEMKIN. Well, I recognize your patience, sir, but if you were in the same position that I am at the moment, with my background and my record, being called upon to account for this thing here, you would understand the feelings, I am sure you would. You would recognize, sir, that anybody in your position would have to be patient. If I overstepped the bounds, I apologize to you, sir. I don't feel I have.

Chairman KEFAUVER. You talk and take all the time you want.

MR. TEMKIN. I want to tell you that another matter has come up that I would like to discuss.

The inferences in view of the evidence that has gone in by the three inspectors, there was a violation of the Rhode Island law with the use of trade names, and I will explain that, and I will tell you, sir, as a lawyer, and you will recognize that the letter that was introduced in evidence was a letter addressed to the secretary of state with reference to corporate names, and if you will look at the letter you will see it.

Chairman KEFAUVER. Mr. Temkin, I don't want to interrupt you, but the purpose of this discussion right here and now, I don't think that is part of this particular hearing.

MR. TEMKIN. But it was brought out, sir, by you and by counsel for the committee.

Chairman KEFAUVER. All right. Go ahead, then.

MR. TEMKIN. I didn't bring it out.

Chairman KEFAUVER. Say anything about it you want to, sir. You mean you don't think the Rhode Island law applies to this situation?

MR. TEMKIN. I didn't say that, sir. I said that the letter that went in was a letter from the secretary of state with reference to a corporate name as distinguished from a fictitious trade name. And fictitious trade names are not recorded in the office of the secretary of state in this State, but in each town clerk's office or in the recorder of deeds of each city and town.

I told Mr. Tacy when he came to me with that proposition that the only way that you could proceed—and I am talking now as an experienced prosecutor, having been an assistant attorney general of the State of Rhode Island—the only way that you could proceed in that manner is to go to each city and town to see whether any of these names were recorded as names under which Calvin Sugarman, or Dorothy M. Tager, or anybody else operated.

Do I make myself clear, sir?

Chairman KEFAUVER. Yes, sir.

Mr. Temkin, do you or do you not assume responsibility for what Mr. Williamson did with the case?

MR. TEMKIN. I am the head of the office, sir. Whatever is done in connection with the matter I recognize is my responsibility as head of that office. I can't tell it to you any differently, sir.

I am sure that you, as chairman of this subcommittee, also feel the responsibility for what your staff does or does not do in this particular case.

Chairman KEFAUVER. That's right.

MR. TEMKIN. And as the head of any body or agency, the head must assume the responsibility, and I have got to assume it.

Chairman KEFAUVER. We have that clear. Now the second question is, when you were securing an indictment against Mrs. Tager, why did you not also secure an indictment against Mr. Sugarman?

MR. TEMKIN. Mr. Williamson had the file. If the evidence as he went over it—he was assigned to the case—if the evidence as he went over it warranted the procuring of an indictment, I feel confident, and I have confidence in him—and he is sitting right here—that he would have brought it.

Chairman KEFAUVER. All right. The third question, assuming that the evidence against Mr. Sugarman may have been weak in the

beginning, before Mrs. Tager came up for sentence she made an affidavit that she was only working for Mr. Sugarman and that he was the principal. Why were not steps taken then to secure an indictment against him?

Mr. TEMKIN. The grand jury, sir, had met on April 20. The grand jury was in recess. If there was any evidence to proceed against Mr. Sugarman, Mr. Williamson was still in charge of the case, I am sure if he felt that way about it, he would have proceeded against Sugarman.

Chairman KEFAUVER. But, sir, you read the affidavit yourself, and—

Mr. TEMKIN. Well now, just one second.

Chairman KEFAUVER. All right.

Mr. TEMKIN. I want you to understand that I had no knowledge of the details of this case. I admit I read an affidavit, and I don't know what the relevancy is of one statement that she may make or the relevancy of another statement, and I think you, sir, in my position would realize that.

Naturally, you don't know the significance of it, the importance of it, and the relevancy of it. Naturally, you turn it over to the man who is handling the matter. He is familiar with the details, with the facts, and he is the one that would reach a conclusion in connection with it.

Chairman KEFAUVER. I must say, Mr. Temkin, that it would bother me slightly, I think, if I had a woman up for sentence and before she was sentenced, filed an affidavit, if I had that affidavit from her that she was only working for a person who did all these operations and I was recommending that she be sentenced without doing anything about the principal, I must confess that would bother me a good deal.

Mr. TEMKIN. Does there say anything in that statement, sir, that she is not guilty?

Chairman KEFAUVER. Well, she is—

Mr. TEMKIN. Does there? I don't have it.

Chairman KEFAUVER. She admits her guilt. But she gives the details of how he got the money, the bank account was opened in his name, that he arranged his own mail drops, selected the various fictitious names which were used in the operations.

Mr. TEMKIN. Did she say that she is guilty or not guilty?

Chairman KEFAUVER. The main thing she did was stuff envelopes for him.

Mr. TEMKIN. Did she say, sir, that she was guilty or not guilty?

Chairman KEFAUVER. She states the facts.

Mr. TEMKIN. Is there any conclusion about the guilt?

Chairman KEFAUVER. She doesn't say "I am guilty" or "I am not guilty." She just told how it started.

Mr. TEMKIN. May I, sir, just glance at it for a moment?

Chairman KEFAUVER. Yes; read it over [handing].

It is not for people to come in and say "I am guilty" or "I am not guilty." When facts are presented to the district attorney—

Mr. TEMKIN. Yes; but when she appeared before you, sir, out in Los Angeles, she said she was not guilty. Nonetheless, she pleaded guilty in this court, in this very building. If she was not guilty, why did she plead guilty?

Chairman KEFAUVER. Anyway, she states certain facts there.

Mr. TEMKIN. You are assuming, sir, that what she says here, sir, are necessarily facts. I wouldn't reach that conclusion.

Chairman KEFAUVER. I don't know whether they are facts or not. But she made an affidavit and she apparently testified.

Mr. TEMKIN. Yes; but you have to understand the person with whom you are dealing. And that's why I am bringing out—

Chairman KEFAUVER. I don't want to argue with you. These gentlemen have bank accounts, bank checks, deposits, which coincide exactly with what she said. They are in their possession right here now. They were in your possession then.

Mr. TEMKIN. Yes. But what of it, if these men came in and said they had no case, I had every reason to rely on their recommendation.

Chairman KEFAUVER. Then at that point let's hear from these gentlemen for a while.

Mr. Simon, you come around here a minute, please, sir; and come around, Mr. Tacy.

#### TESTIMONY OF HARRY J. SIMON, N. A. TACY, AND E. A. CRAUGH

Chairman KEFAUVER. Mr. Simon, tell how long you have been in the Post Office Department, something about your background.

Mr. SIMON. I have been connected with the Post Office Department in the Inspection Service since November 1925, and since January 16, 1941, as a postal inspector.

Chairman KEFAUVER. 1941 as a postal inspector?

Mr. SIMON. Yes, sir.

Chairman KEFAUVER. And you gentlemen have given your backgrounds, I believe.

Now, Mr. Simon, was this case brought to your attention that we are involved in here? Just tell what you know about this case and what recommendations, if any, did you make, what did you do about it.

Mr. SIMON. My first information about this investigation came from Inspector Craugh, who was investigating one of these, I think it was the Adams or Carter operation in Worcester, Mass.

I also learned then that Mr. Tacy and Mr. La Vault were handling cases involving similar operations, and they had reason to think that they were being handled by the same individual.

I came up to Providence in September 1954 at the request of the Chief Inspector to act in an advisory capacity with these inspectors who were investigating the Dorothy Tager operation in this area.

The main reason for coming up here—

Chairman KEFAUVER. In September at that time did they have their investigation completed and the file was finished up?

Mr. SIMON. Yes. When I came up here, their investigations were complete, I believe, except for the report to the United States attorney.

Meanwhile, I had also had some correspondence, I think, from Mr. Tacy with respect to proceeding against some of these names under an unlawful order through the Solicitor's Office. I assisted them in every way possible because of my experience in handling this type of case.

Chairman KEFAUVER. You did what?

Mr. SIMON. I assisted them in preparing their case for the Solicitor for the Post Office Department from an unlawful order standpoint, that is, with respect to denying them the use of the mails.

Chairman KEFAUVER. Did you go to see Mr. Temkin about it?

Mr. SIMON. Yes. On September 10, I believe it was, I accompanied Mr. Tacy and Mr. Craugh to Mr. Temkin's office, and we discussed the facts in the case. It is my recollection that Mr. Temkin asked my advice in the matter.

I told him that it wasn't our function to make any recommendations to the United States attorney, but on the basis of the information that I gathered from these inspectors I felt that we had a very strong case on the obscene standpoint, because you didn't have to prove intent.

Chairman KEFAUVER. Are you talking about a strong case against Mr. Sugarman?

Mr. SIMON. I mentioned that we had a case against Mr. Sugarman on the basis of fraud, unless they could show that they had made some effort to furnish the pictures.

On the basis of my past experience with Dorothy Tager, she had always furnished pictures, and I was familiar with her operations running back to about 1949, I believe it was, and we had any number of proceedings in Washington, to deny them the use of the mails.

I was also instrumental in getting indictments returned against Louis Tager, the former husband of Dorothy Tager, and Roy J. Ross, in three different jurisdictions. And we had no complaints at that time of failure to furnish merchandise.

I felt that Sugarman was strongly involved in this case on the basis of the evidence, in the possession of the inspectors but I made no recommendation to Mr. Temkin as to whether or not he should proceed on fraud or obscenity; I merely express that point, I thought he should be aware or familiar with the possibility, point of intent in a fraud case, with which I was thoroughly familiar.

Chairman KEFAUVER. So I understand it, you said you presented the matter, that you thought this was a strong case, but it was not your province to try to make a recommendation as to what he would do about it, how he would proceed?

Mr. SIMON. I felt that Sugarman was involved in this very deeply on the basis of what evidence these inspectors had gathered, and I further suggested to Mr. Temkin that we also include the entire chain of letters in the indictment so as to bring in Sugarman.

Chairman KEFAUVER. Was that done?

Mr. SIMON. No, sir. I understand—well, I came up, there were two visits I made up here to Providence. The first time was this discussion with Mr. Temkin. The second time he asked me to come up to assist in preparing the indictment, and Mr. Temkin at that time, it was about the middle of December, as I recall, Mr. Temkin in my presence dictated the indictment to a stenographer in the presence of two other assistant attorneys in his office, I don't recall who they were at this time.

Chairman KEFAUVER. When you had your conference in the beginning about it, did you recommend that Mr. Sugarman be brought into the case?

Mr. SIMON. I made no recommendation one way or the other. Mr. Temkin—

Chairman KEFAUVER. But you asked that all the letters be included so as to include his being in the case?

Mr. SIMON. Yes. That would necessarily have included Mr. Sugarman as a defendant had those entire chain of letters been included in the indictment.

Chairman KEFAUVER. Have you at all times felt and so stated that you had a strong case against Mr. Sugarman?

Mr. SIMON. I mentioned it to the inspectors. I had correspondence with Mr. Craugh I think back in August. And I think back at that time I told him that if we could get a United States attorney to prosecute a failure to furnish merchandise in this type of case, the thing to do would be to get a warrant in he will go along with it.

Chairman KEFAUVER. You heard Mr. Temkin say that he didn't proceed because you said just as positively you didn't have any case; is that correct?

Mr. SIMON. I have no recollection of ever having made any such statement to Mr. Temkin. I merely advised him about this point of intent and related—

Chairman KEFAUVER. Mr. Simon, with your feeling about it, would you have suggested or indicated that you did not have any case against Mr. Sugarman?

Mr. SIMON. No, sir.

Chairman KEFAUVER. Was it ever so indicated by any of you?

Mr. SIMON. No, sir. I have no recollection of any of these inspectors ever indicating they had no case against Sugarman.

Chairman KEFAUVER. Mr. Tacy, is that correct?

Mr. TACY. That is substantially as Mr. Simon stated.

Chairman KEFAUVER. Were you there?

Mr. TACY. I was there.

Chairman KEFAUVER. Did you ever recommend that you did not have a case against Sugarman?

Mr. TACY. No; I did not, sir.

Chairman KEFAUVER. Is your feeling, too, that he was deeply involved in the matter?

Mr. TACY. I wrote the United States attorney a résumé of the case under date of September 16, and submitted the exhibits with that report, and stated in it, or stressed in it the continuity of the scheme from the first mail drop, the Adams drop—they run in alphabetical order, you will note—down to the Wallis drop. And that's all we could do under our instructions, to present the evidence to him for his decision.

Chairman KEFAUVER. You have here a copy of the letter you wrote. This is the Post Office Department. Then you wrote the other division. You sent a letter up here outlining the whole thing?

Mr. TACY. I sent a letter to my inspector in charge—no; I sent a letter to the United States attorney; I am sorry.

Chairman KEFAUVER. Yes, sir; and you said in pretty plain words that you thought you had a strong fraud case?

Mr. TACY. I expressed the continuity of the schemes; yes, sir.

Chairman KEFAUVER. Mr. Craugh, is that your feeling?

Mr. CRAUGH. That's right. In that letter we include some names of people who had not received the Wallis circular containing the obscene picture, in other words, to show the continuity up to that point.

Chairman KEFAUVER. So none of you gentlemen said anything or gave any indication that you did not have any case against Mr. Sugarman; is that correct?

Mr. TACY. That is correct, Senator.

Mr. CRAUGH. Yes, sir.

Mr. SIMON. Yes, Senator.

Chairman KEFAUVER. Is that your opinion, Mr. Simon?

Mr. SIMON. That is correct.

Chairman KEFAUVER. And you have heard Mr. Temkin testify here that he did not proceed, among other things, because you told him you did not have a case; is that correct?

Mr. TACY. No, sir.

Chairman KEFAUVER. That is not the case; is that the case, Mr. Simon, or not?

Mr. SIMON. That is not the case, as Mr. Temkin testified.

Chairman KEFAUVER. And you, Mr. Tacy?

Mr. TACY. That is not the case as I understand it, sir.

Chairman KEFAUVER. Mr. Craugh?

Mr. CRAUGH. That is not the case.

Chairman KEFAUVER. Thank you very much, gentlemen.

Let me ask this further question. Did anything change the case you had back in September 1954, when the whole file was turned over and the case that was presented to the grand jury the other day, or November 5, on which an indictment of 21 or 22 counts was secured? Is it the same case now as it was then?

Mr. SIMON. I might say it is much stronger, then, because up to this time there has been no merchandise furnished.

Chairman KEFAUVER. There wasn't then, either?

Mr. SIMON. No, sir.

Chairman KEFAUVER. So it is the same case?

Mr. SIMON. Yes, sir; to that extent.

Chairman KEFAUVER. Thank you, gentlemen.

Mr. Temkin, I would like to ask you, what has changed the case between September and November of this year?

Mr. TEMKIN. September of 1954, sir, and this year?

Chairman KEFAUVER. Yes.

Mr. TEMKIN. The statement of Mr. Simon, just now, and you as an attorney, sir, would recognize two things—

Chairman KEFAUVER. Mr. Temkin, just 1 minute, now.

Mr. Simon is a career man, and I don't think he would have any particular motive in saying anything evil about you.

Mr. TEMKIN. I am not talking about motive, because I told you, sir, that I had confidence in the postal inspectors, and I relied on their recommendation.

But Mr. Simon just now said that they could not establish that no merchandise was not sent to these various people that ordered it, and therefore, if you couldn't establish that, you couldn't establish one of the elements, which was obtaining money under false pretenses, and if merchandise was sent, then there was no case. And he made that statement just now.

Chairman KEFAUVER. Mr. Temkin, you laid great stress that they recommended that they didn't have a case.

Mr. TEMKIN. Precisely. And he said it just now, when he said he didn't know whether merchandise had been sent.

Chairman KEFAUVER. Mr. Temkin, they said just the opposite.

Mr. TEMKIN. Well, sir, I respectfully disagree, and I dispute that conclusion. I would like to have the record read on that.

Chairman KEFAUVER. We will ask him to come back again. Come back, Mr. Simon.

Mr. TEMKIN. I think, sir, that the record ought to be read, never mind Mr. Simon.

Chairman KEFAUVER. Mr. Temkin, I am running this hearing.

Mr. TEMKIN. I understand, sir, and I don't want to be disrespectful; and I apologize if I appear to be that way.

Chairman KEFAUVER. Mr. Temkin has disputed your word as to what you said, whether you stated you did not have a case back in September 1954 against Mr. Sugarman. Did you tell him that you did not have a case against him?

Mr. SIMON. I positively did not.

Chairman KEFAUVER. Your recommendation and your feelings were exactly the other way?

Mr. SIMON. Yes, sir. I made no recommendations as to what should or should not be done.

Chairman KEFAUVER. Did you feel you had a strong case against Mr. Sugarman?

Mr. SIMON. What is that?

Chairman KEFAUVER. Did you feel you had a strong situation against Sugarman at that time?

Mr. SIMON. Yes; on the basis of what evidence we had. But I was talking to Mr. Temkin about Dorothy Tager's background and her past experience with her, and mentioned the point of intent. I did not express myself, and we did not, that we did not have a case against Sugarman, because I felt he should be involved.

Chairman KEFAUVER. But on this intent matter you were talking about Dorothy Tager?

Mr. SIMON. Yes. I was referring back to the experience with Dorothy Tager in the past.

Chairman KEFAUVER. She had usually sent the pictures?

Mr. SIMON. Yes. We had no complaints with the thousands of circulars she had mailed out—

Chairman KEFAUVER. You were talking about her past, you were not talking about Sugarman's past?

Mr. SIMON. I knew nothing about Sugarman until this case.

Chairman KEFAUVER. Thank you again, Mr. Simon.

Mr. TEMKIN. Sir, may I point out, I don't want to cross-examine Mr. Simon, because that is your prerogative, and this is not that kind of a hearing. I would like to have produced by the postal inspectors any document where they called, asked me why I didn't proceed against Sugarman.

The reason I say that, sir, is, I want to point out something in connection with the practice in the United States attorney's office. At any time a matter is presented to the United States attorney where a party is involved, the postal inspectors want a letter from the United States attorney for their records that prosecution was declined, and I defy them to produce such a letter, if that was the case in connection with Mr. Sugarman.

And now, sir, this statement here, and I am referring to the statement of April 30:

I can positively state—

and this is the statement of Mrs. Tager—

I can positively state that the negatives I sold Sugarman were the strictly art photo type. I did not sell him any that are of the pornographic type. I never handle any of the pornographic or real obscene kind.

Well, why did she plead guilty? That's what I am arguing with you about, sir, and I want to press my point on that. If she was not guilty she said she had nothing to do with obscene literature, why did she plead guilty then?

Chairman KEFAUVER. If you had this, why didn't you hear the evidence and prosecute her for perjury?

Mr. TEMKIN. Pardon, sir?

Chairman KEFAUVER. I say, if you thought that he or she was making a false affidavit, why didn't you prosecute her for perjury?

Mr. TEMKIN. Senator, she was a troubled woman, and I say that, if you will bear with me for a few minutes, sir, the inspectors told me they could not rely on her information. She was a sick woman. She had her own children—this is from the inspectors—mailing this sort of stuff out. She had her own children's friends mailing this sort of stuff out. Before the case came on for trial a Mrs. Mostin came into the office. She and her attorney came into the office complaining that Mrs. Mostin's children were taken by Mrs. Tager somewhere, and she didn't know where they were, and Mrs. Tager wasn't a fit person.

Chairman KEFAUVER. It is a heinous situation to get someone to mail out this sort of literature.

Mr. TEMKIN. Absolutely. And to have your own children do it.

Chairman KEFAUVER. Isn't that what she said that Mr. Sugarman was doing to her?

Mr. TEMKIN. Mr. Sugarman was what?

Chairman KEFAUVER. Getting her to mail out this literature. That is what she says in her affidavit.

Mr. TEMKIN. She is not a person to be believed. I am giving you the background of this woman.

Chairman KEFAUVER. No; but the proof that she has, the documentary proof. Here is a check, Mr. Temkin. What more proof do you ever want to the operation of this Adams thing? Here is the check [exhibiting]. Signed by Adams and endorsed by Sugarman.

Mr. TEMKIN. May I explain it, sir?

Chairman KEFAUVER. Yes.

Mr. TEMKIN. When the inspectors came to me they told me the only drop upon which there was any obscene literature was G. Wallis. All this other stuff apparently, all these other drops referred to mailable material.

Now, as I understand it from the inspectors, what happened was this: Sugarman opened up certain drops, as testified to by these gentlemen. Others received orders. G. Wallis, using the Mrs. Tager alias G. Wallis, as we had the information from the inspectors, used the names that came in for this mailable material, apparently, and sent out this filth, and the only drop, according to my recollection of the testimony, the evidence that the inspectors gave me, was the G. Wallis drop, that she was the only one connected with it.

Chairman KEFAUVER. All right. Is there anything else you have, Mr. TEMKIN?

Mr. TEMKIN. No, sir. I want to say, finally, that I stand ready at any time, here or in Washington, or elsewhere, if you feel you want additional evidence in connection with this matter, to submit it to you, because I feel so strongly about it.

On my record, on my background, to be called here, I deeply resent it, and I defy the postal inspectors to produce a letter from me, or anybody in my office, declining prosecution so far as Sugarman is concerned. I defy them to do that. And that's practice.

Chairman KEFAUVER. All right, Mr. Temkin. These gentlemen of the Post Office Department are doing their duty.

Mr. TEMKIN. I know it, and so was I. I want you to recognize it.

Chairman KEFAUVER. I still don't understand the testimony.

Mr. TEMKIN. I think, sir, that you ought to consider this.

Chairman KEFAUVER. Just a minute. I just want to ask you, are there any other reasons why you did not bring, present to the grand jury the facts on Mr. Sugarman?

Mr. TEMKIN. Mr. Williamson had this case. If he felt——

Chairman KEFAUVER. I am not talking about him, I am talking about you, sir. Are there any other reasons why you didn't?

Mr. TEMKIN. Well, yes.

Chairman KEFAUVER. What are they?

Mr. TEMKIN. I have already explained them. I told you what I was doing at the time.

Chairman KEFAUVER. Besides what you have explained?

Mr. TEMKIN. I am only one person, sir.

Chairman KEFAUVER. I must say, Mr. Temkin, your explanation is highly unsatisfactory to me.

Mr. TEMKIN. It may be unsatisfactory to you, sir, but I will tell you, and I will publicly state that when I was in the office of the United States attorney not less than 14 hours a day was spent by me in that office in connection with that work. Saturdays and Sundays included. And you have no right, sir, to say to me that you dispute it.

Chairman KEFAUVER. I don't dispute it——

Mr. TEMKIN. Because I think you ought to examine the facts and look at the record. When you do you will be satisfied. You say now, sir, you are not satisfied.

I want to say, sir, I recognize this hearing. I recognize I am appearing before a Senate committee. And if I may go on to a tangent, sir, you may be the President of the United States. You are going to be looked up to as a fair individual. And if you are President, I hope that that fairness will carry through. And if you have the reputation for being fair——

Chairman KEFAUVER. Mr. Temkin, just a minute. You have gone mighty far afield. I am not a candidate for any office, and I am not here as such. We have been running this investigation for about 2 years now, and this is a matter that came up in California. I am here as a result of the revelations in California.

Mr. TEMKIN. Precisely. And I ask you, sir, to get all the facts in the case, and that's why I appeared before you, sir. I could have stood behind a cloak and refused to testify; I didn't do it.

Chairman KEFAUVER. All right, Mr. Temkin. That is all for now.

Mr. Williamson, do you want to have something to say?

**STATEMENT OF ARNOLD WILLIAMSON, ASSISTANT UNITED STATES ATTORNEY**

Mr. WILLIAMSON. The hour is getting late, Senator. I don't know how long you intend to sit here this evening.

Chairman KEFAUVER. We had intended to go home tonight.

Mr. WILLIAMSON. My statement will be very brief and to the point.

Of course you can appreciate, as a United States Senator, that every criminal or every defendant is innocent when he appears before the court, and—

Chairman KEFAUVER. Mr. Williamson, the present district attorney made a point that you might be called on to testify to handle this case. I don't want to embarrass you.

The main thing I want to know is, was Mr. Temkin responsible for this case and what did you do with his consent, and were you acting for him in what you did in connection with this case?

Mr. WILLIAMSON. Sir, I will have to answer you in this manner: As I started to say, every defendant who appears before a court in this country is presumed to be innocent until proven guilty. There is a present indictment against the gentleman who is sitting in this courtroom today, presently pending before the United States district court for this district.

You may be acquainted, Senator, with the case of Dennis W. Delaney—

Chairman KEFAUVER. Yes; I am acquainted with it.

Mr. WILLIAMSON. The former internal revenue district collector for the district of Massachusetts, who was discharged by President Truman in 1951 because of certain failures of his in office, and that case was recently reviewed, or I should say in 1952 it was reviewed by the First Circuit Court in this district, and Judge Frank Magruder, who is an outstanding jurist, commented there upon certain of the dangers that occurred during the course of the investigative committee's hearing immediately subsequent to the indictment of Mr. Delaney. And you will recall, Senator, that the district court—

Chairman KEFAUVER. I have the case here, Mr. Williamson. Go ahead, though.

Mr. WILLIAMSON. Thank you, Senator.

You will recall, Senator, that defense counsel in that case presented several motions to the district court, presided over by Judge Wyman-sky, and that the court denied those motions, and the defendant went to trial, and the defendant was found guilty by the district court.

An appeal was taken to the First Circuit Court of Appeals in this district, and the circuit court, in a brilliant decision by Judge Magruder some time in 1952, overturned the district court's finding and remanded the case to the district court.

Here again, Senator, we have the groundwork laid where we have almost an identical situation. The Government—

Chairman KEFAUVER. Mr. Williamson, let me ask you right at that point. Our investigators have been up here working on this matter for several weeks. After the hearing had been set, why, then, last week an indictment was brought about. Of course on that basis I suppose any hearing like this, you would just call it off, whether there had been a dereliction of duty or not, by the final bringing of an indictment.

MR. WILLIAMSON. I think Judge Magruder in his decision handled that situation very well, Mr. Senator, by indicating that those hearings before the Senate subcommittee could have been held in closed session; but that is not my point, Senator.

I wish to comment and continue my statement for the purposes of clarifying the record, and merely state this, that it is not only the duty of the Justice Department to prosecute the criminals, not only in this district, but throughout the United States, but it is also the duty of each and every United States attorney, and his assistants, and it is spelled out in the United States Attorney's Manual, that they must see that fair play and justice is done to not only the defendant but everyone.

Until this man who is seated in the courtroom with his two counsel appear before Judge Day for trial, we cannot presume as to whether or not he is guilty or innocent. Our Constitution and our American heritage sets out clearly what his rights are. And we presume he is an innocent man.

Chairman KEFAUVER. Just a minute—

MR. WILLIAMSON. Please, Senator.

Chairman KEFAUVER. No one doubts that. The only question is, presenting a matter to a grand jury, for a grand jury to say whether there is a probable cause or not, that is not trying to adjudge the man. I don't want to get into any details with you, Mr. Williamson, other than what you want to get into, but simply to ask you whether what you did was with Mr. Temkin's counsel or direction, whether you were following his advice, whether you were acting for him or not?

MR. WILLIAMSON. Senator, prefaced by the statements—I am saying this very respectfully to you, sir, and very humbly—prefaced by the statements that I have made, and in view of the findings and the publicity that may be given this hearing, this man's rights in our Federal court may be seriously in jeopardy. He may have been seriously prejudiced here in this hearing today. Many of the key witnesses who would necessarily have to appear in trial have testified before you today, and have laid bare the Government's case before these two gentlemen here [indicating], who are counsel for the defendant.

Chairman KEFAUVER. That might help them. They know what the Government's case is.

MR. WILLIAMSON. It may help the defendant, Senator, but I respectfully submit that it may defeat the very purpose that your committee is attempting to do, and that is to prosecute successfully, I presume, a crime of this type. And in view—

Chairman KEFAUVER. Just a minute. You misunderstand our purpose here, sir.

MR. WILLIAMSON. Well, I may misunderstand—

Chairman KEFAUVER. Our purpose here is we want to put a stop to this passing around of pornographic literature in the United States.

MR. WILLIAMSON. Senator, I—

Chairman KEFAUVER. This business of sending out this sort of stuff and hiring many names and drops, and trying to get around the mail statute, has had a very deleterious effect upon the youth of our Nation. It is a nationwide operation; we have seen it in this very case, the relationship between this man and Mrs. Tager. And when district attorneys are not doing their duty in at least presenting to a

grand jury the kind of thing we have had described here today, we want to find out why. That is why we are here.

Mr. WILLIAMSON. Senator, I can only add this to my comments that I have already stated. I am under instructions from the United States attorney for this district not to testify before this committee relative to the present indictment, and that is a secret indictment that is pending in the United States district court for this district.

For the record, as to your inquiry, I can merely add that I found Mr. Temkin to be a very vigorous prosecutor. I deemed it an honor to work under him. I know that he went to great lengths and worked all hours of the night and day and Saturdays and Sundays, if necessary, to stamp out all possible crime in this area.

He had a tremendous backlog of cases, both criminal and civil, when he came into office. He removed that backlog, and our calendar is current.

I also, Senator, have a congratulatory letter from you with reference to matters pertaining to the use of narcotics, and I only can add, Senator—

Chairman KEFAUVER. That's right. I remember it very well.

Mr. WILLIAMSON. Thank you, sir.

Chairman KEFAUVER. Let me ask you, Mr. Williamson—

Mr. WILLIAMSON. I would like to just point the situation, Senator.

Chairman KEFAUVER. Go ahead.

Mr. WILLIAMSON. That that matter of narcotics, not merely 1 case, but 2 cases, 1 case involved 5 defendants and the other case a single defendant, came into our office in November of 1954. The grand jury sat, an indictment was returned, the requests of the defendants who were languishing in jail without bail, a trial was held, and the three defendants in that case were found guilty after trial which I handled myself. One of the defendants who went to trial received a maximum sentence of 5 years under the act, and the other 2 defendants received the minimum sentence under the act of 2 years.

The other case, the defendant desired to plead subsequent to the trial of other narcotics cases. He entered a plea, and he received the 2-year minimum sentence.

I can only press upon you once again, Senator, the fact that Mr. Temkin and I, during a good part of the year 1954, were alone in that office. We had a tremendous amount of work. We worked to the highest degree of our capacity. It was always my attitude and his that we should present every case to a grand jury fairly, and let the grand jury determine what the facts were.

The witnesses who have testified here today testified before the grand jury. Other than that, Senator, I cannot add any further statements because, as I say, I am under instructions from the United States attorney for this district, and if you wish to ask any questions pertaining to the file, or any other questions pertaining to my position here, I humbly suggest that you address them to the United States attorney, Mr. Joseph Mainelli.

Chairman KEFAUVER. Just this question: Mr. Temkin was a man responsible for the running of the office of the district attorney, is that correct, at the time this matter happened?

Mr. WILLIAMSON. Well, Mr. Temkin was the United States attorney, as he stated; yes, sir.

Chairman KEFAUVER. He was the responsible official in charge of the office; is that correct?

Mr. WILLIAMSON. He was in charge of the office; yes, sir.

Chairman KEFAUVER. Did you get the indictment here the other day, Mr. Williamson?

Mr. WILLIAMSON. I beg your pardon, Senator?

Chairman KEFAUVER. Did you present the matter to the grand jury the other day; was it you that did it?

Mr. WILLIAMSON. I don't think that that is a proper question, Senator. I think that is a question that Mr. Mainelli can answer. I think the press reported his name as being the party who presented it, and I don't think it is proper proceeding now to inquire as to what went on before that grand jury matter.

Chairman KEFAUVER. I am not asking you what went on. I just wondered if you had a case to present to the grand jury last week, what was the difference between them and last June?

Mr. WILLIAMSON. I don't know as there was any difference, Senator. I think that clearly Mr. Simon indicated here that, if anything, the case would be stronger now as to fraud. Now, I can't add any more to that, Senator.

Chairman KEFAUVER. All right. That is all right, Mr. Williamson.

Mr. WILLIAMSON. Thank you, very much.

Chairman KEFAUVER. May I ask the court officials, the bailiff and the marshal, and also you gentlemen and ladies of the press; we are going to have to go on about 2 hours more. Would you prefer, say, to come back at 7:30 and carry on then, or carry on now?

Mr. TEMKIN. May I ask a question, sir?

Chairman KEFAUVER. Very well, sir.

Mr. TEMKIN. I would like to know whether I am dismissed and the matters that you are going to consider later are matters in connection with this case or other matters?

Chairman KEFAUVER. I will tell you what. Counsel advises me that he does not think that the other witnesses bear on the matter we have been discussing. If that does happen and anyone starts to have anything to say about it, we will defer the matter until you can be here to be present.

Mr. TEMKIN. I didn't get the last part, sir.

Chairman KEFAUVER. I say, if any witnesses do start to discuss the matter about which you have been talking, we will ask them to defer it until we can notify you so you can be present.

Mr. TEMKIN. I will leave word with counsel where I am.

Chairman KEFAUVER. Very well. Suppose we stand in recess until—

Mr. CHESTER. May I, Senator. I represent a man who is under summons. I have been sitting here all day hoping he would be called. I am here to report that he can't be here because he is in the hospital. He was operated on yesterday, he is in the Miriam Hospital. I refer to Chester Szlashta.

Chairman KEFAUVER. What was he operated on for?

Mr. CHESTER. He was operated on for a hernia, I understand. His doctor is Dr. Migliaccio, of 196 Broadway, in Providence. He was admitted to the hospital Sunday and operated on yesterday.

Chairman KEFAUVER. Do you have the doctor's certificate?

Mr. CHESTER. No. I have been waiting for that. I called last night and talked with the nurse, and she said it would be in the mail. It hasn't been in the mail. But I can't——

Chairman KEFAUVER. You were served last week. It would seem that if you had some matter like this, he might have put it off until after the hearing.

Mr. CHESTER. I can't explain that, Senator. I am here only to report what I have been asked to report by this man.

Chairman KEFAUVER. What hospital do you say he is in?

Mr. CHESTER. Miriam Hospital.

Chairman KEFAUVER. When did he go to the hospital?

Mr. CHESTER. I understand he went to the hospital Sunday.

Mr. CHUMBRIS. What is your name, sir?

Mr. CHESTER. My name is Benjamin C. Chester. I am a partner of Crowe & Heatherington, 255 Main Street, Pawtucket.

Mr. CHUMBRIS. Do you know of your own knowledge that he received a subpoena on the 2d day of November?

Mr. CHESTER. I have the subpoena here with a return of the deputy marshal. It doesn't say what day he received it.

Of my own knowledge, no, I don't know.

Mr. CHUMBRIS. When were you retained by Mr. Szlashta?

Mr. CHESTER. I personally was not retained. He is an employee of a company in Pawtucket that is represented by Mr. Crowe, and the employer of the man called Mr. Crowe, I would say Sunday or Monday.

Chairman KEFAUVER. It looks like, sir, he just went to the hospital to get out of coming down here.

Mr. CHESTER. That, sir——

Chairman KEFAUVER. If he thinks he is going to get by with that, you tell him he is badly mistaken. He will remain under subpoena and he will be heard.

Mr. CHESTER. All right. I will report that, Senator. But I didn't want to have to come back after the recess.

Chairman KEFAUVER. All right.

We will stand in recess until 7:30, and we will try to finish in about an hour and a half.

(Whereupon, at 6:10 p. m., a recess was taken until 7:30 p. m.)

#### EVENING SESSION

Chairman KEFAUVER. The subcommittee will come to order.

I want to apologize for inconveniencing so many people here by having a night session, but I have a hearing in the morning with Senator O'Mahoney on the monopoly problem affecting General Motors which I promised to be back for in the morning; so we have no alternative.

It is our policy to give anyone whose name has been mentioned an opportunity to be heard if they want to. I know that Mr. Sugarman is here. I am not going to require him to testify in view of the situation, but I did want him to know that if he had anything to say and he wanted to say it, that he had an opportunity to do so.

Mr. SUGARMAN. I decline under the fifth amendment, sir.

Chairman KEFAUVER. What is that? Mr. Sugarman, come around Let's identify you. You have been subpenaed. For future reference, you have been subpenaed and you will continue under subpena.

You are going to make some statements, so I guess you might as well be sworn. Will you hold up your right hand.

Do you swear the testimony you give will be the whole truth, so help you God?

Mr. SUGARMAN. I do.

Mr. ADELSON. Mr. Senator, may I make a statement? I am the attorney for Mr. Sugarman.

Chairman KEFAUVER. Yes, indeed, sir.

Mr. CHUMBRIS. Will you please give your name and your address for the record?

Mr. ADELSON. My name is Joseph E. Adelson.

Chairman KEFAUVER. Let the record show that Mr. Adelson is a practicing attorney for the past 28 years.

Mr. ADELSON. Correct, Senator.

Chairman KEFAUVER. And that Mr. Adelson and I went to law school together at Yale Law School a long, long time ago. I don't think I have seen you until today.

Mr. ADELSON. That is correct, sir.

Chairman KEFAUVER. We were in the same class.

Mr. ADELSON. Our paths haven't crossed until today.

Chairman KEFAUVER. That was a fine class we had. Former Senator Brien McMahon from Connecticut; Judge Joe J. Smith, who is a United States judge in Connecticut; Herbert Brownell, who is our Attorney General; and many, many others. So it is good to see you again, Joe.

Mr. ADELSON. Thank you very much. It is good to see you.

Chairman KEFAUVER. We will go from the friendly side to the legal side.

Mr. ADELSON. As I said, I am the counsel for Mr. Sugarman. I just want to make a short statement to explain his position in today's hearing.

In the fall of 1954 I was retained to represent him; and after listening to his story, cross-examining him myself for several days, I took the responsibility to communicate with the postal inspectors and told them that we wished to have a conference with them, at which time I was prepared to have Mr. Sugarman disclose all the facts in his possession in reference to the so-called Tager case.

We did have such a conference. It lasted almost 2 days. At that time, although we were not required to, I had my client make a statement under oath, and he, in my opinion, made a full disclosure of everything that he knew in reference to the case. He answered all questions that were put to him, both by myself and by the postal inspectors.

When he was subpenaed to appear before this committee it was my intention to have my client follow the same procedure; but as you know, Mr. Senator, there is an indictment that was returned last Friday, quite unexpectedly, and because of that I have now advised my client to refuse to answer any questions that may be put to him that may incriminate him, and have advised him to claim his constitutional rights under the fifth amendment.

I want to make this statement because it is inconsistent with the former position we took before the postal inspectors.

Chairman KEFAUVER. Thank you, Mr. Adelson.

Mr. ADELSON. Thank you, sir.

Chairman KEFAUVER. I shall not ask Mr. Sugarman about any of the details of the case. I do want to identify him for the record and ask that he be—as I understand it, he will plead the privilege of the fifth amendment?

Mr. ADELSON. That is correct, Mr. Senator.

Chairman KEFAUVER. What is your first name, Mr. Sugarman?

Mr. SUGARMAN. Calvin Sugarman.

Chairman KEFAUVER. And what is your address?

Mr. SUGARMAN. 108 Woodbine Street.

Chairman KEFAUVER. How old are you, sir?

Mr. SUGARMAN. Thirty.

Chairman KEFAUVER. What is your business? I mean, in what business are you now?

Mr. SUGARMAN. I am employed in the funeral home.

Chairman KEFAUVER. Funeral home with your father?

Mr. SUGARMAN. Yes.

Chairman KEFAUVER. Is that the Sugarman Funeral Home?

Mr. SUGARMAN. Yes.

Chairman KEFAUVER. Mr. Adelson, I think there is merit in your position. Unless Mr. Sugarman wants to make any statement, unless he wants to testify, at the present time we are not going to require him to do so.

Mr. ADELSON. We respectfully decline to testify, Mr. Senator.

Chairman KEFAUVER. You don't have to decline anything unless you are required to.

Mr. ADELSON. We will take the opportunity not to testify, Mr. Senator.

Chairman KEFAUVER. Very well.

Mr. Detective James Murphy and Detective Francis Doerr, will you please come around.

Do you solemnly swear the testimony you give will be the whole truth, so help you God?

Mr. MURPHY. I do.

Mr. DOERR. I do.

#### TESTIMONY OF DETECTIVE JAMES MURPHY; ACCCOMPANIED BY DETECTIVE FRANCIS DOERR, POUGHKEEPSIE POLICE DEPARTMENT, POUGHKEEPSIE, N. Y.

Chairman KEFAUVER. You are Detective James Murphy?

Mr. MURPHY. Yes, sir.

Chairman KEFAUVER. And you are Detective Francis Doerr?

Mr. DOERR. Yes, sir.

Chairman KEFAUVER. Your chief is John L. Martin, Jr.?

Mr. DOERR. That is correct, sir.

Chairman KEFAUVER. I want you to convey a message to him that he has been very cooperative with our staff in the matter of this inquiry, and we are very grateful.

Mr. DOERR. Thank you, Senator.

Chairman KEFAUVER. You are detectives with the Poughkeepsie, N. Y., police force?

Mr. DOERR. Yes, sir.

Mr. MURPHY. Yes, sir.

Chairman KEFAUVER. How large a city is Poughkeepsie?

Mr. DOERR. About 50,000, sir.

Chairman KEFAUVER. Mr. Chumbris, will you carry on.

Mr. CHUMBRIS. Which of you two gentlemen is going to be the spokesman?

Mr. MURPHY. Detective Doerr.

Mr. CHUMBRIS. Detective Doerr, have you discussed the matter under investigation with members of our staff?

Mr. DOERR. We have not, sir. Our chief has contacted your staff and discussed this situation.

Mr. CHUMBRIS. Will you please state—

Chairman KEFAUVER. When you talk about your chief, say Chief Martin.

Mr. DOERR. Chief John Martin; yes, sir.

Mr. CHUMBRIS. Did this matter deal with pornographic material?

Mr. DOERR. Yes, sir.

Mr. CHUMBRIS. Will you please relate in your own words the name of the party involved, or parties involved, the approximate date, the area covered.

Mr. DOERR. Yes, sir. This investigation is the *People v. William John O'Connell*.

Chairman KEFAUVER. State that again so we can all hear.

Mr. DOERR. *People v. William John O'Connell*.

Chairman KEFAUVER. How do you spell O'Connell?

Mr. DOERR. O'-C-o-n-n-e-l-l.

Chairman KEFAUVER. This is a matter in Poughkeepsie, N. Y.?

Mr. DOERR. Yes, sir.

Chairman KEFAUVER. All right, sir.

Mr. DOERR. And William O'Connell resides at 497 Main Street, the Clinton Hotel, Poughkeepsie, N. Y. He is 29 years of age, and he is an electrician by trade.

Our investigation started on July 12, 1955, when we received information that William O'Connell had in his room at the hotel pornographic pictures, lewd literature, and obscene pictures.

On the 12th day of July we attempted to question William O'Connell, but he was out of town, and we could not question him until July 14, which was a Wednesday.

We went to the place where he was employed, a construction job at the Hudson River State Hospital, and we requested of him that he come to our police station to give us information about his having possession of these pornographic pictures, which he readily did.

We took him to the police station and received from him a statement of admission that he had many pornographic pictures, lewd literature, and obscene prints in his room at the Clinton Hotel.

Chairman KEFAUVER. Mr. Doerr, everything you testify to is admitted by Mr. O'Connell; is that correct?

Mr. DOERR. That is correct, Senator.

Chairman KEFAUVER. All right, sir.

Mr. DOERR. After we received this statement of admission from him we asked permission if we could go to his room and confiscate all obscene materials that he had in his possession.

Receiving his permission, we went to his room at 487 Main Street, and we collected in large quantities many obscene prints and materials.

Mr. CHUMBRIS. When you say "large quantities," just how many?

Mr. DOERR. We confiscated several rolls of pornographic film, thousands of pictures of nude posed women, many obscene prints, many cartoons, 2 by 4 comic cartoons.

Chairman KEFAUVER. Did you say "many cartons of them?"

Mr. DOERR. Cartoons, 2 by 4 picture books.

Chairman KEFAUVER. You mean boxes?

Mr. DOERR. No; individual books, Senator.

Mr. CHUMBRIS. How many would you say you had in that group, 1,000; 2,000?

Mr. DOERR. No; I don't think that many, not of the comic books, pornographic books.

Mr. CHUMBRIS. When you referred to 2 by 4's, for the record please explain what a 2 by 4 is?

Mr. DOERR. It is a small comic book illustrated with pornographic pictures.

Mr. CHUMBRIS. Very indecent type; is that correct?

Mr. DOERR. Indecent acts; that is correct.

Mr. CHUMBRIS. They usually have about eight pages?

Mr. DOERR. That is correct.

Mr. CHUMBRIS. And they are caricatures rather than actual pictures?

Mr. DOERR. That is correct. We also confiscated pamphlets of lewd literature and manuscripts of lewd literature from his room. All this was taken to the police department, identified by O'Connell, and identified for later identification.

Mr. CHUMBRIS. When you refer to manuscripts, are you referring to that item that is later produced into printed books; is that correct?

Mr. DOERR. This size [exhibiting].

Chairman KEFAUVER. What you show here, can you leave that as an exhibit? It is about 4 inches by 6 inches.

Mr. DOERR. This is the other side, sir, to that.

Chairman KEFAUVER. This is interesting. You say you had the manuscript of these things that later got into books?

Mr. DOERR. They were a larger volume than that, Senator, along the same lines, lewd literature. Some of them were illustrated, some were not.

Chairman KEFAUVER. This says on the front here, "500 francs." It is printed in English, and we found a lot of these people have put on here that they are printed in France, although they are printed in the United States, on the theory that they think that will be more interesting.

Mr. DOERR. Most of the books that we confiscated were printed just like that, sir.

You may also have this, sir, in evidence, if you wish [handing].

Mr. CHUMBRIS. Can you leave these various exhibits with us?

Mr. DOERR. Yes, sir. And here also is obscene prints which you may have [handing].

Mr. CHUMBRIS. Did you determine from him where he sold these pornographic articles?

Mr. DOERR. Yes; we did. He had been employed before he became an electrician as a cabdriver in the city. Among his various cabdrivers and other acquaintances of his he sold some of these obscene prints, lewd pictures, pornographic pictures.

Also, on his job as an electrician, there was an electrician where he worked, he also distributed and sold amongst his fellow employees these same obscene materials.

Mr. CHUMBRIS. Did you proceed with that investigation any further to determine if he had people working with him or working the same type of operation?

Mr. DOERR. Yes, sir; we did.

Mr. CHUMBRIS. And did you learn of any other names that he would like to reveal to the subcommittee at this time?

Mr. DOERR. Yes, sir. During the course of our—

Chairman KEFAUVER. Let's don't reveal the names unless you have proof. Do you have documentary proof of what they had been doing?

Mr. DOERR. We have statements of admission, sir. They have all been arrested and convicted of this crime.

Chairman KEFAUVER. Arrested and convicted?

Mr. DOERR. Yes, sir.

Chairman KEFAUVER. All right. You tell us about it, then.

Mr. DOERR. We have another man involved in this case, Nathan Van Wagenen. Age 70 years, residing at 11 South Hamilton Street, in the city of Poughkeepsie, employed as a taxi driver with the Veteran Cab Co., Poughkeepsie, N. Y.

In the course of our investigation we learned through O'Connell that Mr. Van Wagenen also was involved in this case. We went to the cab office where he worked, requested of him to come to the police station to question him further on this. After he came to the station with us we got an admission from him that he was involved, and he had made a partial living by showing these pornographic films to different organizations.

We requested of Mr. Van Wagenen that we go to his house and confiscate any pornographic literature, or obscene prints, lewd literature, which he gave us permission to do.

We went to his home, 11 South Hamilton Street, and confiscated several rolls of pornographic films; also 2 or 3 suitcases which were filled with lewd literature, small comic books, as you have there, along the same lines.

Mr. CHUMBRIS. Did you determine from whom Van Wagenen purchased this material?

Mr. DOERR. Yes, sir; we did. Talking with Mr. Van Wagenen, and where he came into possession of these obscene materials, he stated to us that a year prior he became acquainted with an ex-con from Sing Sing by the name of Philip D'Amelio. He is an ex-con from Sing Sing. He made his home in Poughkeepsie at the time, 14 Talmadge Street, Poughkeepsie.

Mr. CHUMBRIS. Do you know if he uses an alias?

Mr. DOERR. He had an alias. "Philly New Yorker." He was widely known throughout the State.

New Yorker at the time was a fugitive from justice at Poughkeepsie, wanted for grand larceny.

Detective Murphy and I apprehended D'Amelio in Oswego County, State of New York, and brought him to Poughkeepsie. We questioned him thoroughly on the matter of obscene materials, offensive materials. We have a statement of denial from Philly New Yorker ever operating with obscene materials.

Mr. CHUMBRIS. You say you do have a statement?

Mr. DOERR. Of denial; yes, sir.

Mr. CHUMBRIS. From whom did you receive that statement?

Mr. DOERR. D'Amelio, alias Philly New Yorker.

Mr. CHUMBRIS. When was that?

Mr. DOERR. Friday, August 12, 1955.

Mr. CHUMBRIS. That was previous to his being a fugitive from justice; is that correct?

Mr. DOERR. Yes, sir; that's correct.

Mr. CHUMBRIS. At this time he is a fugitive from justice?

Mr. DOERR. He was until that day, Friday, August 12, when he was apprehended.

Mr. CHUMBRIS. But now he has been in custody——

Mr. DOERR. He is free as of now. His trial has come up. It was reduced to petit larceny. He was fined, restitution was made, and he is now free.

Mr. CHUMBRIS. Are there any other persons whom you have investigated and found that have sold pornographic materials to Van Wagener?

Mr. DOERR. Yes, sir; another person, Richard Wallace Booth, 26 years of age, living at 18 Fox Terrace, Poughkeepsie. He also is an electrician by trade. At the present time he is employed at the Hudson River State Hospital, Poughkeepsie, N. Y.

He became involved in this investigation with O'Connell. He was introduced to O'Connell a few months prior, and through his association with O'Connell he learned that O'Connell had access to pornographic film. He also learned that O'Connell had a projector set, and from being acquainted with him he borrowed films, and a projector set, from O'Connell, took it to his home at 18 Fox Terrace, and showed it to numerous people.

In this investigation Booth was also arrested under 1140 of the penal law. He pleaded guilty. It was reduced to 722, and he was fined \$25 in the city court, Poughkeepsie, N. Y.

Mr. CHUMBRIS. Are you through with the Booth matter at this time?

Mr. DOERR. Unless you have more questions to ask me; yes, sir.

Mr. CHUMBRIS. You say he received a \$25 penalty; is that correct?

Mr. DOERR. That is correct?

Mr. CHUMBRIS. Do you know the circumstances under which the charge was reduced, and the reason for it, if you can relate that?

Mr. DOERR. Through the assistant district attorney.

Mr. CHUMBRIS. We have received testimony in our New York hearings, particularly, from police chiefs and other police officials that they went to a lot of trouble to break a pornographic case involving hundreds and sometimes thousands of pornographic articles, maybe take 6 months to do so, and costing the State or the city thousands of

dollars, and then have the matter presented to court where only a reduced charge was made and a small fine was given.

Is that the situation that you found in this case?

Mr. DOERR. Sir, I think the district attorney, the assistant district attorney felt that Booth was involved in this not trying to sell or peddle any of these obscene materials, just the fact that he had a few friends that he wanted to show in his private home.

Mr. CHUMBRIS. And he wouldn't be an operator in the same category as O'Connell; is that correct?

Mr. DOERR. No, sir; that is correct.

Mr. CHUMBRIS. All right, sir. Are there any other persons who deal in pornography, either through O'Connell or through Van Wagenen?

Mr. DOERR. Yes, sir; we have another subject involved in this investigation, Robert C. Fuller, 33 years of age, residing at 104 Mansion Street, Poughkeepsie, N. Y. A machine operator employed at the Fargo Manufacturing Co., Poughkeepsie, N. Y.

We have a signed statement before a notary public, admission from Fuller that he became acquainted with O'Connell through other friends, and through his acquaintance he learned that O'Connell had pornographic film, and he borrowed a few of these pornographic films to show at his home to friends of his.

We feel as though he is not an operator as O'Connell is; that he just got this for his own private affairs.

Mr. CHUMBRIS. Now, from O'Connell did you obtain a little black book or a name list?

Mr. DOERR. Yes, sir; we did.

Mr. CHUMBRIS. Did that name list indicate connections with people in the pornographic racket, as we may call it?

Mr. DOERR. Yes, sir; it did.

Mr. CHUMBRIS. Would you relate just what you found from that name list?

Mr. DOERR. When we confiscated this little black book that O'Connell had in his possession, we found many names, addresses and telephone numbers of girls in New York City. We questioned him as to the identity of these girls, his contacts with these girls and how he came to have all these names, addresses, in his possession.

O'Connell stated that in New York he made the acquaintance of Doris Garcia, 270 West 77th Street, apartment 2, New York, N. Y., telephone SU-7-1705.

He also stated that this girl was a call girl; that he met her at the Hotel Peerless—that address I have here also, 45th Street and Broadway, New York City.

Mr. CHUMBRIS. Without going into each individual name, were any of the girls who are listed in that list in any way connected with morals cases or pornographic racket?

Mr. DOERR. He had telephone numbers of many girls that were connected with the Jelke case.

Mr. CHUMBRIS. That is the famous Jelke case in New York City?

Mr. DOERR. Yes. Names like Pat Ward, Pat Thompson, Barbara Harmon, Erica Steel, Sylvia Kiig. He stated to us that through Doris Garcia, a call girl, he gained these other addresses and telephone numbers.

Mr. CHUMBRIS. Were you able to determine whether O'Connell was a producer of pornographic material, or merely a distributor and seller of pornographic material?

Mr. DOERR. We feel that he was not a producer of pornographic material.

Mr. CHUMBRIS. Could you tell where he was receiving this material?

Mr. DOERR. Yes, sir; he admitted to us that he had contacts in New York City; that he was receiving a good deal of pornographic material.

Mr. CHUMBRIS. And did he relate how he received it, what method he used in getting it back to Poughkeepsie?

Mr. DOERR. He made personal contacts, he made personal visits to New York City to gain this material.

Mr. CHUMBRIS. Did you obtain the names and addresses from him or from any other substantial means in determining who these people might be?

Mr. DOERR. We endeavored to, sir, and he could not remember the places that he obtained this material from, only the fact that it was in the vicinity of Times Square, New York City. He did state—pardon me, sir.

Mr. CHUMBRIS. Go ahead.

Mr. DOERR. He did state that he carried on a good deal of correspondence with Irving Klaus in New York City.

Chairman KEFAUVER. Claw, you mean.

Mr. DOERR. Claw, pardon me.

Mr. CHUMBRIS. Were there any other references from where he may have received this material?

Mr. DOERR. Not O'Connell, sir. O'Connell also stated that he received some of this obscene material from Nathan Van Wagenen at different times also.

Mr. CHUMBRIS. Did he mention the name of Al Stone as a source of material in New York City?

Mr. DOERR. Sir, he did not admit that to us.

Mr. CHUMBRIS. When you asked him, did you have any key people in New York who are known throughout the country as distributors of pornographic material, and ask him if he did or did not receive any of this pornographic material from them?

Mr. DOERR. He mentioned the name of Stone, and he did not say that he had any contacts with him.

Mr. CHUMBRIS. But he knew Al Stone; is that correct?

Mr. DOERR. Yes, sir; that is correct.

Mr. CHUMBRIS. Did you know that Al Stone was mentioned in the course of our New York hearings on pornography in May of this year?

Mr. DOERR. I believe I read about it, sir; yes, sir.

Mr. CHUMBRIS. In which he pled the fifth amendment?

Mr. DOERR. Yes, sir.

Mr. CHUMBRIS. Now, did you get from the subcommittee the list of seizures from Al Stone, where his name was mentioned on various name lists?

Mr. DOERR. No, sir.

Mr. CHUMBRIS. You have not received that from our subcommittee?

Mr. DOERR. No, sir.

Mr. CHUMBRIS. Are there any other known persons in New York City in the distribution of pornographic material that O'Connell might have mentioned?

Mr. DOERR. We have the names of many publishing houses in New York and different parts of the country that O'Connell was corresponding with. He did not admit that he was getting obscene material from them. We have—

Chairman KEFAUVER. Let's don't mention them unless you can tie them up.

Mr. DOERR. They were in his possession, and that's all we know about it.

Mr. CHUMBRIS. Are there any other cases dealing with pornography that you have investigated?

Mr. DOERR. During the course of the investigation we also apprehended one subject, Edward D. Manning, 46 years of age, residing at 51 Smith Street, in the city of Poughkeepsie.

Manning, in a statement of admission to us, said that about 3 years ago he worked for an electrical company in the city of Poughkeepsie, and he received, through a man by the name of Al, 3 or 4 films, pornographic films, for which he paid a total of \$50 from this unidentified person.

Subsequently Mr. Manning sold these films to Nathan Van Wagenen.

Mr. CHUMBRIS. Now, I believe you investigated a case regarding a 19-year old boy. Could you relate that, please?

Mr. DOERR. Sir, Detective Murphy will tell about that.

Chairman KEFAUVER. You tell us about it, Mr. Murphy, and speak up, will you, please.

Mr. MURPHY. I think you are referring to the Mrs. Cifarelli case. That happened in August 1951. Mrs. Cifarelli—

Mr. CHUMBRIS. 1951?

Mr. MURPHY. Yes, sir. I believe that is the one you mean.

Mr. CHUMBRIS. Well, state it briefly. That goes a little far back, 1951.

Mr. MURPHY. Well, she complained that her son was present at a showing of a movie in the cellar of her home. We found out that her son, Frank, age 16, along with 3 or 4 other young boys about the same age, obtained a film from a certain veteran, a man by the name of Fred Vetter, of Poughkeepsie, N. Y.

We took statements from all the boys involved in the case, and from those statements we took them to the district attorney, and a warrant was issued for the arrest of Vetter.

At that time he refused to give a statement. Since that time we have had him under pretty strict surveillance, and we know he is not in the business any more.

Mr. CHUMBRIS. Did you have a 1953 case involving minors also, in which a \$250 fine was levied? A person showing obscene prints to minor children?

Mr. MURPHY. Yes. We have a park in Poughkeepsie called Pulaski Park. At that time we had 2 or 3 complaints that a man was hanging around the park and showing pictures of nude persons right on the back of playing cards.

Subsequently, officers picked this particular man up, and at first he denied it, but they found this deck of cards under the front seat

of his car. At that time this man was fined \$250. His name was Chester Allard.

Mr. CHUMBRIS. I understand within the last 24 hours there was a case that you investigated?

Mr. MURPHY. Right now, just outside of Poughkeepsie, it is in the town of Poughkeepsie, our detectives, also the town police, are investigating a case involving a man committing certain immoral acts with 5 high school girls, at least 5 high school girls, and at the same time he has in his possession certain pornographic film that he is showing to these young ladies. He has been arrested at the present time.

Mr. CHUMBRIS. You say he has been arrested?

Mr. MURPHY. He has been arrested. At the moment he is out on bail, but the case is still under investigation.

Mr. CHUMBRIS. Was this a large quantity seizure?

Mr. MURPHY. No. They found two rolls of pornographic film in his house. They found a projector; and they found other articles that are definitely for sex means and measures.

Mr. CHUMBRIS. Of course you have not completed your investigation on that particular case?

Mr. MURPHY. That's right. It is still under investigation right now.

Chairman KEFAUVER. Mr. Murphy and Mr. Doerr, we thank you very much for coming and telling us about this. It is quite apparent you are staying on the job up there. You seem to have a lot of violations, however.

Mr. DOERR. Senator, we have a picture of the subject, O'Connell, and if it will mean anything to you, you may have it.

Chairman KEFAUVER. I wish you would leave it with us, if you will.

Mr. DOERR. Yes, sir [handing].

Chairman KEFAUVER. What do you gentlemen recommend in connection with this whole problem; do you have any recommendations?

Mr. MURPHY. We think that you are making a move in the right direction and that something should be done to curb this influx of this kind of material. You seem to be doing a very nice job on it.

Chairman KEFAUVER. All right, sir. Thank you, Mr. Murphy and Mr. Doerr.

Who is our next witness, Mr. Chumbris?

Mr. CHUMBRIS. Nicholas Caporicci.

Chairman KEFAUVER. Mr. Caporicci, do you solemnly swear the testimony you give will be the whole truth, so help you God?

Mr. CAPORICCI. Yes, sir.

#### TESTIMONY OF NICHOLAS CAPORICCI, CRANSTON, R. I.

Chairman KEFAUVER. We will get down to the point in question. Tell us your name, sir.

Mr. CAPORICCI. Nicholas Caporicci, 15 Connecticut Street, Cranston.

Chairman KEFAUVER. Cranston, R. I.?

Mr. CAPORICCI. Yes, sir.

Chairman KEFAUVER. All right, Mr. Chumbris. Do you want to ask the gentleman some questions?

Mr. CHUMBRIS. Yes, sir.

Mr. Caporicei, do you want advice of counsel?

Mr. CAPORICCI. Advice of a counsel?

Mr. CHUMBRIS. Yes. Do you want to have a lawyer to be with you when you appear here now?

Mr. CAPORICCI. Well, if I need one; yes.

Mr. CHUMBRIS. What is that?

Mr. CAPORICCI. If I need a lawyer.

Chairman KEFAUVER. Do you want to just tell us about the matter that you are here about?

Mr. CAPORICCI. Yes.

Chairman KEFAUVER. We want to know who it is you have been dealing with in New York in this film business.

Mr. CAPORICCI. Well, like I said before, I wouldn't know him if I see him again.

Mr. CHUMBRIS. Will you relate, just where did you meet this person?

Mr. CAPORICCI. It was in a restaurant, sir.

Mr. CHUMBRIS. Where?

Mr. CAPORICCI. In a restaurant on the corner of 48th or 49th Street.

Chairman KEFAUVER. In Providence?

Mr. CAPORICCI. New York.

Chairman KEFAUVER. You went down to New York? How do you happen to go to New York?

Mr. CAPORICCI. I had a few days off, and I took a couple of days off.

Chairman KEFAUVER. You went down there on something else, or did you go down there to meet him?

Mr. CAPORICCI. No; just for pleasure.

Chairman KEFAUVER. And you got a 1,600-foot film; is that right?

Mr. CAPORICCI. Yes.

Chairman KEFAUVER. You spliced them together, several films together?

Mr. CAPORICCI. Yes.

Chairman KEFAUVER. Where did you meet this man; who was he?

Mr. CAPORICCI. I met him in a restaurant at the corner of 48th or 49th Street.

Chairman KEFAUVER. Did he just walk up to you or did you walk up to him?

Mr. CAPORICCI. No. He was selling booklets.

Chairman KEFAUVER. He was what?

Mr. CAPORICCI. Selling the small books.

Chairman KEFAUVER. Selling books?

Mr. CAPORICCI. Yes.

Chairman KEFAUVER. You mean on the horse races?

Mr. CAPORICCI. No.

Chairman KEFAUVER. Books on what?

Mr. CAPORICCI. Well, pictures.

Mr. CHUMBRIS. How was it that you were arrested for this offense?

Mr. CAPORICCI. I bought a small radio, a stolen radio from a boy.

Mr. CHUMBRIS. How old was the boy?

Mr. CAPORICCI. About 13, I guess.

Mr. CHUMBRIS. And then after you purchased this, did you know that it was a stolen radio?

Mr. CAPORICCI. Well, I presume it was stolen, but I never asked him whether it was stolen or not.

Mr. CHUMBRIS. You presumed it was stolen?

Mr. CAPORICCI. Yes.

Mr. CHUMBRIS. How did they find the pornographic material on you?

Mr. CAPORICCI. I had it locked in a compartment of a car.

Mr. CHUMBRIS. In your car?

Mr. CAPORICCI. Yes.

Mr. CHUMBRIS. When you spliced together this 1,600 feet of film, how did you make use of that film? Did you rent it out?

Mr. CAPORICCI. No.

Mr. CHUMBRIS. What did you use it for, then?

Mr. CAPORICCI. I didn't use it. I showed it once, and that was all I did, show it.

Mr. CHUMBRIS. Where did you show it?

Mr. CAPORICCI. What?

Mr. CHUMBRIS. Where was it that you showed the film?

Mr. CAPORICCI. In a friend of mine's house.

Mr. CHUMBRIS. Just you and he together?

Mr. CAPORICCI. Yes.

Mr. CHUMBRIS. And you didn't have stag parties and show the film at these stag parties?

Mr. CAPORICCI. No.

Mr. CHUMBRIS. Are you sure about that?

Mr. CAPORICCI. I am positive.

Mr. CHUMBRIS. And you say you wouldn't know who this person in New York was if you saw him again?

Mr. CAPORICCI. No.

Chairman KEFAUVER. Did he just come up to you and say he had something to sell?

Mr. CAPORICCI. No. Like I said, he was selling books.

Chairman KEFAUVER. Did you buy some books?

Mr. CAPORICCI. He asked me if I wanted to buy books. I says, "No." Then we started talking and he said he had some films. So that's when I bought films.

Chairman KEFAUVER. All right. Thank you very much.

Mr. CHUMBRIS. Mr. McGuire.

Mr. McGuire. Yes, sir?

Mr. CHUMBRIS. Mr. McGuire, are there any later developments in Mr. Morrow's matter?

Mr. McGuire. No. As a matter of fact, I haven't communicated with the office at all. I just stayed on to hear the rest of the testimony.

I understand that you were having a doctor examine him.

Chairman KEFAUVER. We have been trying to make arrangements. I don't know what the situation is.

Mr. McGuire. All I can do is reiterate the position that I took before, that I came down for counsel; that the basic reasons that he is not here is, one, in apprehension of his physical condition, based upon the medical testimony that was submitted in affidavit form, together with the fear of retaliation which he expressed to Mr. McDonald.

Chairman KEFAUVER. We will have Mr. Morrow and he will have to be heard, either in Washington or up at Worcester.

Who is our other witness who is not here?

Mr. CHUMBRIS. Mr. Schlessler.

Chairman KEFAUVER. All right. Thank you very much, Mr. McGuire.

Mr. McGuire. Thank you, sir.

Chairman KEFAUVER. We had certain police officers here who would testify in connection with certain matters relating to Mr. Morrow and Mr. Schlessler, but since they could not be here we have sent the officers home also.

We will have to continue this hearing until a later date to come back and hear these witnesses, and such others as we may have.

We will conclude our hearing of witnesses this evening.

I think I should say by way of summing up, I felt that our hearing this morning was quite productive in the description by the Governor and the mayor, the chief of police and Judge McCabe of the juvenile court, of the awareness of the problem of dealing with young people and with juvenile delinquency in the State of Rhode Island and in the city. Affirmative steps have certainly been taken in the matter of recreation, education. I think the juvenile judge and his assistant, Judge Booth, not only handle their juvenile court intelligently, but they have gone out to secure the cooperation in a larger program of the people.

I have been impressed with the increase in the division of police dealing with juveniles here in the city, with the low rate of juvenile delinquency, less than 1½ percent, I believe, is the lowest of any State that we have come across in the country.

The Commission to deal with comic books should come up with some worthwhile legislation.

I was delighted to find that there has been a uniform adoption law passed by the Legislature of Rhode Island.

The boys camp, the recreational facilities, seem to be forward-looking.

So I think some of the programs here will certainly be useful to people in other parts of the country studying what they can do in various cities to help with youth and youth opportunity and in curbing juvenile delinquency.

Our hearing this afternoon in connection with the Sugarman case and the Tager case, as I said, we determined to come here last June when we had testimony about it out in California.

I think some people may not realize the deleterious effect that the circulation of this lewd, lascivious, indecent literature has upon the youth of our country.

I am glad to say that some of the traffic has been broken up. We found when we started our investigation that over the Nation the fellows who would be on probation one place, and maybe would be convicted 2 or 3 times somewhere else other than the place where they were on probation, and they would never find out about it.

We find also that while there are a lot of little people in the business, there are some big ones, and they all seem to be tied together. It is hard to understand how anyone can get into this sort of business. We do have laws to prevent it from being sent through the mail.

I hope that there can be an increased interest on the part of the public and our law-enforcement officers in stamping out and stopping the interstate shipment, printing, sale to minors of the kind of junk we have been talking about here this afternoon.

I don't want to appear to be unkind, but it is very difficult for me to see how, with these postal inspectors who spent months and months and months putting all the men in their division, building up a case, getting the facts, feeling that they have a strong case against a person or against people who have not only been in the business in one place, but get over in 3 States with different drops, or 4 States, with all that information in the hands of the district attorney over a period of 9 or 10 months, I think that there is a substantial dereliction of duty in not at least presenting the evidence to a grand jury.

I think that is particularly true when the evidence concerning the agent was presented, but not the principal.

It is furthermore particularly true when the case was made airtight by a signed affidavit on the part of the agent. I am entirely unsatisfied with the explanation Mr. Temkin has given. Be he ever so good a man, I am afraid he did not discharge his duty in this matter. The matter has at long last been presented. I feel it is within the jurisdiction of this committee to expose the distribution of this kind of filth. Where we find that anyone connected with the Government of the United States is not doing his duty, we expect to let the public know about it.

We do expect to be back in this section some time later, and have a further hearing of these witnesses. I want to again thank the judges who have been so good to us here, and Mr. Proctor, the marshal, Mr. Brennan, who has been very fine in helping us out, and many, many others who have cooperated with the staff of our committee.

For the record I would like to put their names in the hearing of the record. I won't take up the time in reading all of them.

Judge Edward W. Day, and clerk of court Neale D. Murphy, for the use of the courtroom, and other favors.

Judge John P. Hartigan, for use of his chambers; and the following for their excellent cooperation in serving subpoenas, finding office space, supplies, help and assistance.

Howard S. Proctor, United States marshal; Patrick Pyne, chief deputy United States marshal; Edward Curran and Edward Brennan, United States marshals.

Raymond A. Creegan, postmaster, and his staff.

Special mention: Comdr. Walter Stone, Lt. Thomas Healey, Sgt. William Cummings, and Sgt. William Cahill, of the Providence Detective Bureau.

Chief of Police John L. Martin Jr., Poughkeepsie, for making available to the committee Detectives James Murphy and Francis Doerr.

Deputy Chief of Police P. Frank Carroll, Worcester, Capt. Lawrence W. Henry, and Lt. James F. Daly, of the Worcester Detective Bureau.

Lt. Anthony Lecaire, Massachusetts State Police.

Lt. James Waters and staff, North Attleboro Police.

Deputy Chief of Police Vincent Hourigan, Pawtucket, and Lieutenant Henchen.

Chief of Police Louis B. Fonsecourt, Cranston; and Lieutenant Morretti.

Harold V. Langlois, division of correctional services, State of Rhode Island.

William W. Dickenson, superintendent of post office buildings.

Margaret Butler, secretary.

Edward Bell, custodial foreman; and Edward Doyle, custodial force.

Chairman KEFAUVER. With that, the subcommittee will stand in recess until further call.

(Whereupon, at 8:30 p. m., the subcommittee was adjourned until further call.)

(Subsequent to the hearing, Chairman Kefauver ordered that the following exhibits, Nos. 7 through 12, be made a part of this printed record:)

EXHIBIT NO. 7

AFFIDAVIT OF LEO VINE

STATE OF CONNECTICUT,

*County of Fairfield:*

In Shelton, Conn., on the 10th day of December 1955, before me personally appeared Leo Vine who, having been sworn, deposed as follows:

1. I am a private in Support Company, 506th Regiment, 101st Airborne Infantry Division at Fort Jackson, S. C.

2. During the spring of 1954 I was a second-year student at the Harvard Law School, Cambridge, Mass. Like many of my classmates I was seeking summer employment. At this time I saw a notice posted on the law school bulletin board stating that the United States attorney in Rhode Island would be interested in interviewing second-year law students for summer work in his office in Providence, R. I. The notice was signed by the student employment office of the law school.

3. I completed an application for this position and subsequently was interviewed by Mr. Jacob S. Temkin, the United States attorney in Rhode Island at that time. I knew Mr. Temkin at that time by reputation. I did not know him personally. Mr. Temkin informed me at a later interview in June 1954 that the position of student legal assistant in his office would be without compensation. He approved my application and I accepted the position.

4. I occupied an office adjoining that of Mr. Temkin. The intervening door was generally open and I was invited to attend conferences concerning cases arising that summer. I was made to feel part and parcel of the office that summer. I was usually informed as to each stage of development of any particular case. The fact situations of each case were presented to me and I did legal research necessary to prepare memorandums of the law relevant to these cases.

5. The Tager case, involving the use of the mails for the sale of obscene literature, was one of those which came up during the course of that summer. I remember seeing the photographs which were used as bait for the prospective purchaser. Also, there was literature which, as I recall, promised to show why Franchot Tone and Tom Neal were fighting over Barbara Payton. The snapshots I saw seemed definitely to fit the "obscene" category. I recall the indignation of the postal inspectors and Mr. Temkin at this use of the mail service. I further recall Mr. Temkin's express statements to the effect that whoever had mailed the pictures and literature would pay the legal penalty. At no time did I ever hear or see anything which would suggest that Mr. Temkin had deviated from his intention to bring the offender or offenders into court for punishment.

6. I did research on this case. I do not recall the exact references of the applicable law, but I believe that there were at least 2 and possibly 3 different sections of the United States Code which were relevant, dealing with the use of the mails to transmit obscene materials and to defraud. I was present during various conferences dealing with this case. The principals were Mr. Temkin and the postal inspectors. I never met either Mrs. Tager or young Sugarman.

7. During these conferences I recall the anxiety of the postal inspectors stemming from the fact that Mr. Tager had been implicated in similar offenses in the Western States and had escaped conviction because of some legal technicality. They did not want the same thing to happen with Mrs. Tager. Those are the general outlines of the case as I now recall them.

8. In the early part of September 1954, just before I returned to law school, I recall a conference which took place in Mr. Tempkin's office. He and the postal inspectors who had been working on the case were present. The conversation focused on the difficulty of tying Sugarman in with the available evidence; that is, the evidence was such that the inspectors seemed to feel that they could not bring Sugarman within the relevant sections of the United States Code. They were

apparently ready to proceed against Mrs. Tager—or have Mr. Temkin proceed against her with the evidence which they had obtained—but the case against Sugarman had loopholes. They agreed that the case against Sugarman was not strong enough to bring into court. These are the general impressions which I have retained of that particular conference. It is my recollection now that Mr. Temkin was at all times ready and willing to proceed against young Sugarman and any other person connected with this crime.

9. This is a true statement of what I recall about this case.

LEO VINE.

Subscribed and sworn to before me the day and year first above written by Leo Vine.

LOUIS KREIGER, *Notary Public.*

EXHIBIT No. 8

STATEMENT OF JACOB S. TEMKIN

STATE OF RHODE ISLAND,

*County of Providence:*

In Providence on the 12th day of December 1955, before me personally appeared Jacob S. Temkin, who having been sworn, deposed as follows:

1. The conference with the three postal inspectors took place in the office of the United States attorney for the district of Rhode Island on September 10, 1954, the day on which the complaint was filed with the United States commissioner against Dorothy Tager.

The letter of transmittal, from the testimony, was dated September 16, 1954, and apparently was forwarded on that day.

It is not unusual to have reports and letters of transmittal follow actual arrests by a matter of days or weeks.

The session of September 10, 1954, was without benefit of the letter of transmittal; and all exposition, explanation, and recommendations except as the postal inspectors consulted the file, were oral. All decisions of the actions to be taken were based upon the oral presentation.

The majority of prosecutions begun through the office of the United States attorney are commenced upon oral presentation by investigators of a Government agency, of what they purport the facts to be and the violations they have uncovered, together with their recommendations as to the issuance of complaints. The investigators themselves sign these complaints under oath before the United States commissioner.

2. The file was delivered to my office on September 10, 1954, and may have been removed by the postal inspector after the conference in order to prepare the report and transmittal letter.

Before the receipt by my office of the transmittal letter, I had assigned the case to Mr. Arnold Williamson, Jr., an assistant United States attorney in my office.

I never read the transmittal letter; and to my knowledge no one has said that I read it or that I examined the case file. I have done neither to this day.

3. Preference was made to the file by the inspectors on September 10, 1954, in my office in order to obtain the name of the party in Michigan to whom the obscene material was sent. This information was necessary because it had to be incorporated in the complaint which was lodged with the United States commissioner. It was not possible for me to prepare the complaint without obtaining from the postal inspectors the small amount of factual matter necessary for this purpose.

4. Mr. Craugh, as spokesman for Mr. Taey and himself, during part of the hearing (p. 133 et seq. of the transcript) testified the inspectors merely submitted the facts and made no recommendations.

I affirm that the postal inspectors asked for a complaint to be issued against Mrs. Tager. I affirm that they did not ask for a complaint to be issued against Mr. Sugarman. The postal inspectors, to my knowledge, have never denied either of these points.

I affirm that the reason a complaint was issued against Mrs. Tager on September 10, 1954, is that the postal inspectors asked for it and they stated they had the evidence to support it. I know of no stronger recommendation they could make.

I affirm that I prepared a complaint against Mrs. Tager on the recommendation of the postal inspectors.

I affirm that a complaint would have been prepared against Mr. Sugarman if the postal inspectors has asked for it. However, in addition to not asking for a complaint against Mr. Sugarman, they informed me they had no case against him and maintained this position at the conclusion of a series of searching questions on my part concerning the role of Mr. Sugarman in this case.

All of these actions took place on September 10, 1954, when I had only the word of the postal inspectors upon which to proceed. The transmittal letter was not yet written. I could not secure an iota of information concerning this case from any other individual than the postal inspectors then sitting in my office.

Mr. Simon testified (p. 193 et seq. of the transcript) that he made no recommendations and presented only the facts contained in the file to me. Yet, he also testified that I sought and he gave his advice as an expert concerning the necessity to prove specific intent in the crime of using the mails to defraud and the absence of this requirement in the crime of mailing obscene material. Mr. Simon gave his expert advice on this aspect of the case for only one reason: to explain why the postal inspectors were unable to establish a case of using the mails to defraud against Mr. Sugarman.

5. Mr. Simon (p. 194 of the transcript) testified there was a case against Mr. Sugarman on the basis of fraud unless "they could show that they had made some effort to furnish the pictures".

I affirm that on the contrary, the burden is on the Government to prove that no effort was made to furnish pictures and that, if shown, this alone does not prove the requisite criminal intent. The intent required to be proved in the crime of using the mails to defraud is that the scheme to defraud or the intention to devise such a scheme existed at the time of mailing and that the mailing was in furtherance of the scheme. Unless this intent can be shown, not as of September 10, 1954, but as of the date of the mailing, criminal intent as to Mr. Sugarman cannot be proved (title 18, U. S. C. A. 1341).

6. Independently, the affidavit of Mr. Leo Vine substantiates my position.

7. It is not necessary for a Federal agent to consult with the United States attorney on the issuance of process. He himself may swear out a complaint before a United States commissioner, without initial reference to a United States attorney.

In many districts it is the approved procedure for the Government investigators to go directly to a United States commissioner and swear out complaints without any knowledge of the complaints or of the case or cases to which they apply on the part of the United States attorney. The postal inspectors never asked me and, so far as I am aware, never asked an assistant of mine to issue a complaint against Mr. Sugarman. To my knowledge the postal inspectors have never sworn out a complaint against Mr. Sugarman before a United States commissioner.

8. So far as I am aware to this day, the only drop with which obscene material is connected and through which obscene material was sent was the so-called G. Wallis drop at 18 Tremont Street, Boston, Mass.

The postal inspectors informed me of exactly the same thing on September 10, 1954—that the G. Wallis drop was the only one that they could tie in with obscene material and Mrs. Tager was the only person they could link with that drop. The postal inspectors gave this identical testimony at the hearing (p. 112 et seq. of the transcript). They informed me that they could not connect Mr. Sugarman with this drop or with obscene material in any way. I am informed and believe that the transmittal letter confirms this statement.

9. Mr. Simon (p. 195 of the transcript) said he came to Providence and spoke with me in December of 1954. He did not make any inquiry about a case against Mr. Sugarman at that time for the reason he himself told me in September of 1954 that there was no case against Mr. Sugarman and he knew the inspection service had presented nothing more in the way of evidence against Mr. Sugarman to December 1954.

10. It is practice that when the Postal Inspection Service submits a case and there is refusal by the United States attorney to prosecute, the Postal Inspection Service demands a written declination of prosecution. As to Mr. Sugarman, no such letter was requested and none was given.

11. It is practice that when the Postal Inspection Service submits a case, it periodically corresponds with the office of the United States attorney and requests status reports. As to Mr. Sugarman, no such correspondence took place and no reports were requested and none was given.

12. There was no denial by the inspectors of the assistance I gave the postal inspectors in speaking with Mr. Max Sugarman, father of Calvin Sugarman, and despite a delicate situation, prevailing on him to have his son, Calvin Sugarman, cooperate with the postal inspectors, after he initially rebuffed them. Without this assistance the Postal Inspection Service would have had no case against Mrs. Tager.

13. There was no denial by the inspectors of the other assistance I gave the inspectors in connection with this case.

14. There was no denial by the inspectors of my testimony as to Mr. Tacy advising me Mr. Sugarman was telling the whole truth to him in the Sugarman statement (p. 160 of the transcript).

15. There was no denial of my testimony that Mr. Tacy told me he was unable to get any information from Mrs. Tager; that he had no confidence in what she had to say; and that the evidence was against anything she had said. (p. 161 of the transcript).

There was no denial of my testimony that Mrs. Tager was a bail jumper.

There was no denial of my testimony that the inspectors told me Mrs. Tager was a troubled woman, a sick woman who had her own children and the friends of her children mailing out filth (p. 203 of the transcript).

16. Upon information and belief, I state the postal inspectors submitted a written document in which are listed names of persons as witnesses to testify against Mrs. Tager and that this document includes the name of Calvin Sugarman as a witness. Even the postal inspectors are astute enough to know that Mr. Sugarman would not be recommended as a witness for the Government against Mrs. Tager, if they considered him to be a possible defendant.

17. There is no refutation of the statement as to my policy to present the facts to the grand jury, to bring before the grand jury the best and primary evidence, and any other evidence which the grand jury desires and which is obtainable.

18. Mr. Arnold Williamson, Jr., assistant United States attorney, testified the policy of the office was to present every case to a grand jury fairly and to let the grand jury determine whether to return an indictment.

19. The opening statement of Senator Kefauver (p. 108 of the transcript) mentioned that the only time Mrs. Tager, despite her previous brushes with the law, was in difficulty was in Rhode Island.

Mrs. Tager admitted, in a widely circulated magazine article about the dirty pictures racket, that she headed a million dollar mail order business on the west coast, that she had several brushes with the Postal Inspection Service, and that this operation extended throughout the United States and abroad. Yet she was never convicted until she began her operations in Rhode Island. The conviction took place during my tenure as United States attorney.

20. The affidavit of Mrs. Tager of April 30, 1955, states, among other things, that she had nothing whatsoever to do with obscene material. On June 3, 1955, approximately 45 days later, Mrs. Tager pleaded guilty to the charge of causing obscene material to be mailed.

I affirm that on September 10, 1954, and in prior conferences, the postal inspectors told me Mrs. Tager was not worthy of belief concerning anything she said. All that I know of the actions and statements of Mrs. Tager since that date convinced me that no reasonable man could place any faith in or credence upon the statements of Mrs. Tager, unless they were corroborated.

21. This case was assigned in the ordinary manner to Mr. Arnold Williamson, Jr., an assistant in my office; he reviewed it with the inspectors; and he prepared it for the grand jury. I was not in the grand jury room at any time during his presentation of the case.

22. Mr. Williamson testified that some of the witnesses who testified at the hearing also testified before the grand jury in December 1954.

23. Mrs. Tager's affidavit of April 30, 1955, was turned over to Mr. Williamson as a matter of course, since he was still handling the case. I have no doubt that if there was credible evidence against Mr. Sugarman at that or any other time while he was in charge of the case, Mr. Williamson would have proceeded against him. I have no knowledge of facts which would make me critical of the methods of Mr. Williamson in handling this case.

24. I recognize my responsibility as head of the office of the United States attorney for the district of Rhode Island during my tenure. I also recognize my duty in regard to the official position which I occupied. I discharged that duty fully and properly with all the vigor that I command. There is no basis whatsoever for any findings which reflect upon or even hint of a question concerning my conduct in office.

JACOB S. TEMKIN.

Subscribed and sworn to before me by Jacob S. Temkin the day and year first above written.

WILLIAM J. SHEEHAN,  
*Notary Public.*

## EXHIBIT No. 9

POST OFFICE DEPARTMENT,  
INSPECTION SERVICE,  
OFFICE OF INSPECTOR,  
Washington 25, D. C., December 20, 1955.

Mr. JAMES H. BOBO,  
General Counsel, Subcommittee to Investigate Juvenile Delinquency,  
Washington 25, D. C.

DEAR MR. BOBO: Reference is made to your letter of December 1, 1955, with which you transmitted a copy of a letter dated November 28, 1955, from Mr. Jacob S. Temkin, former United States attorney, Providence, R. I., together with a copy of your reply of November 30. This correspondence has reference to hearings held by your subcommittee at Providence on November 8, 1955.

It is felt that the testimony which I gave under oath before the subcommittee on November 8 clearly showed what transpired during the conference with Mr. Temkin on September 10, 1954, in which I participated, and there is nothing which I could add by affidavit.

Several statements are made in Mr. Temkin's letter to which some comment appears essential. It is alleged by Mr. Temkin that the "postal inspectors had been stymied in their investigation" prior to the time Sugarman submitted a sworn statement; that as a consequence of his contacting the father of Calvin Sugarman, the latter called at the office of the inspectors and gave them a complete statement; and that it was his (Temkin's) "assistance which resulted in the break of this case." I regret to tell you that such statement is not in agreement with the facts. Prior to the time the inspectors secured a sworn statement from Calvin Sugarman, they had developed evidence from various other sources to positively link Dorothy Tager to the mailing of the obscene pictures under the name of G. Wallis. Disregarding Sugarman's affidavit, the inspectors were in possession of evidence obtained without any assistance from Sugarman to implicate both him and Dorothy Tager in the use of the mails in a scheme to defraud; in fact, such involvement was indicated in the inspectors' report to the United States attorney pertaining to Mrs. Tager.

In referring to the conference with the three inspectors in his office on September 10, 1954, Mr. Temkin stated in part: "I questioned the postal inspectors closely on charges which might be placed against Calvin Sugarman and was advised that, in their opinion, he was not involved in mailing obscene material and that they could establish no case against him on a charge of using the mails to defraud." No such opinion was expressed by me or the other inspectors who participated in the conference. It is not our function to decide prosecutive features, but rather to present to United States attorneys facts and evidence resulting from our investigations.

The "transmittal letter" of the postal inspector mentioned by Mr. Temkin has reference to the inspectors' formal report to the United States attorney, setting forth the facts and outlining the evidence. Such a report dated September 16, 1954, names Dorothy Tager as the offender and Sugarman as a prospective witness; however, this report was prepared after Mr. Temkin indicated that he would proceed only against Dorothy Tager on the charge of mailing obscene matter and that no action would be taken against Sugarman.

The letter from Mr. Temkin also contains the following statement:

"The committee should know that it is the practice of the Postal Inspection Service to require a letter from the United States attorney if he declines to prosecute matters turned over to him for action. No such letter was requested by the postal inspectors in this case and none was sent."

Frequently inspectors present informally to United States attorneys violations of the postal laws, and such officials advise verbally that prosecution will be declined. There are no mandatory instructions to inspectors to require a letter from the United States attorney if he declines prosecution.

In connection with your request for a copy of the transmittal letter referred to in Mr. Temkin's communication, it is respectfully felt that request therefor should be made upon the United States attorney or the Department of Justice.

Sincerely yours,

H. J. SIMON,  
Postal Inspector.

## EXHIBIT No. 10

POST OFFICE DEPARTMENT,  
INSPECTION SERVICE,  
OFFICE OF INSPECTOR,  
*Providence, R. I., December 27, 1955.*

Mr. JAMES H. BOBO,  
*General Counsel, Subcommittee to Investigate Juvenile Delinquency,  
United States Senate, Washington 25, D. C.*

DEAR MR. BOBO: Your letter of December 1, 1955, transmitting copy of a communication dated November 28, 1955, from Mr. Jacob S. Temkin, former United States attorney, Providence, R. I., and a copy of your reply of November 30, 1955, which relate to hearings held by your subcommittee at Providence, R. I., on November 8, 1955, has been received.

In his letter Mr. Temkin dwells principally on conversations which took place during the course of the investigation between him and certain postal inspectors. I was not present at those conferences; therefore, I am unable to testify as to what was said by the parties involved.

Mr. Temkin also stated in his letters, "The postal inspectors had been stymied in their investigation. It was my assistance which resulted in the break of this case." I am aware of the reply submitted to you by Inspector H. J. Simon, in which he answers Mr. Temkin's allegation by stating "such statement is not in agreement with the facts." I concur in Mr. Simon's reply. Mr. Temkin was furnished several affidavits dated prior to the Sugarman affidavit which indicate Mr. Sugarman was implicated in the postal violations disclosed in our investigation. These affidavits are mentioned in the transmittal letter to the United States attorney.

There are no other additional comments which I wish to make regarding Mr. Temkin's letter and there appears to be no necessity for furnishing an affidavit for the record.

Sincerely yours,

E. R. LAVAULT,  
*Postal Inspector.*

## EXHIBIT No. 11

POST OFFICE DEPARTMENT,  
INSPECTION SERVICE,  
OFFICE OF INSPECTOR,  
*Worcester, Mass., December 27, 1955.*

Mr. JAMES H. BOBO,  
*General Counsel, Subcommittee to Investigate Juvenile Delinquency,  
First Street and Indiana Avenue, NW., Washington, D. C.*

DEAR MR. BOBO: Receipt is acknowledged of your letter of December 1, 1955, to which was attached a copy of a letter from Mr. Jacob S. Temkin referring to a hearing before the subcommittee on November 8, 1955, at Providence, R. I., and a copy of Senator Kefauver's reply to Mr. Temkin.

Concerning the letter submitted by Mr. Temkin, I can say that the United States attorney is the postal inspector's counselor and determines all preliminary questions of law and procedure, including appearances before the grand jury. The United States attorney also determines the competency and sufficiency of the evidence presented.

When an investigation by a postal inspector discloses evidence of a violation of a Federal law, he presents the facts to the United States attorney, and that official then makes decision as to prosecution. In this case, Mr. Tacy and I kept Mr. Temkin verbally informed of the results of our investigation on several dates. At the conference of September 10, 1954, it was Mr. Temkin's decision to proceed against Dorothy Tager alone. Under date of September 16, 1954, Mr. Tacy and I submitted a letter to Mr. Temkin containing a complete recital of the facts relating to the activities of Dorothy Tager and Calvin Sugarman.

I am aware of the substance of the letter submitted to you by Inspector H. J. Simon in answer to your letter of December 1, 1955, and I agree with his statements. In view of the above, there does not appear to be any necessity for furnishing an affidavit for the record.

Sincerely yours,

E. A. CRAUGH,  
*Postal Inspector.*

## EXHIBIT No. 12

POST OFFICE DEPARTMENT,  
DISTRICT MANAGER,  
*Providence, R. I., December 27, 1955.*

Mr. JAMES H. BOBO,

*General Counsel, Subcommittee to Investigate Juvenile Delinquency,  
United States Senate, Washington, D. C.*

DEAR MR. BOBO: I wish to acknowledge the receipt of your letter of December 1, 1955, enclosing copies of one from Mr. Jacob S. Temkin, former United States attorney at Providence, R. I., and of your reply in reference to the hearings in Providence held by your subcommittee on November 8, 1955.

There is little further that I can add of value than has already been submitted in a letter of presentation of facts to the former United States attorney, Mr. Jacob S. Temkin, under date of September 16, 1954, signed by Post Office Inspector E. A. Craugh and myself and testified to in your subcommittee hearing at Providence, R. I., on November 8, 1955. I have been made aware of the report of Inspector Harry J. Simon to your subcommittee in this matter and fully concur therein.

Mr. Temkin discussed with me and on occasion with Inspector Craugh present practically every angle of the case. There is no question in my mind but that Mr. Temkin was thoroughly familiar with every step taken by all of the investigators in the entire investigation, and it was not until very shortly before the Federal grand jury proceedings began on December 27, 1954, that discussions of the case were had with the assistant United States attorney, Mr. Arnold Williamson. My best recollection is that Mr. Williamson telephoned me at the Postal Inspection Office at Providence suggesting that I call at his office to review this case with him in preparation for the grand jury. Mr. Williamson appeared not to be as familiar with the case at that time as Mr. Temkin.

Because of the background of Mrs. Mary D. Tager in similar questionable enterprises in several States in the West several years previous, Mr. Temkin's advice was sought early in our investigation. Postal inspectors have always considered the United States attorney advisor in legal procedure and we did not wish to waste time on unessential angles. The former United States attorney followed the investigation of this case very closely from the beginning and requested me on numerous occasions to come to his office in the Federal building for a discussion of the current aspects. On occasion, he telephoned me at my home late in the evening for information as to progress and to suggest further procedure. When the facts had been gathered and the case was ready for prosecutive action in this instance, it appears to have been turned over to the assistant United States attorney for handling in the grand jury.

We did not, to my knowledge, advise the United States attorney, as alleged by him, that we could establish no case against Mr. Calvin Sugarman on a charge of using the mails to defraud; that had to be the decision of the United States attorney.

The presentation letter of September 16, 1954, referred to by the former United States attorney, plainly sets forth the continuity of the operations of Mrs. Mary D. Tager and Mr. Calvin Sugarman under the various fictitious names preceding that of G. Wallis, which it was presumed might have been considered as a basis for prosecution of use of the mails to defraud and possibly conspiracy. This phase of the investigation (the continuity of the operations involving Mrs. Mary D. Tager and Mr. Calvin Sugarman) was discussed with the former United States attorney in a conference in his office on September 10, 1954, at which Inspectors Craugh and Simon, as well as myself, were present. With a knowledge of all the evidence pointing to the use of the mails to defraud in these operations of both Mrs. Tager and Mr. Sugarman, the United States attorney decided to prosecute only the case of G. Wallis involving the operations of Mrs. Mary D. Tager under that fictitious name. Notwithstanding this verbal decision of the former United States attorney at said conference it was deemed advisable because of the character of the evidence to set forth the facts pointing to the use of the mails to defraud in the letter of presentation under date of September 16, 1954, as I felt that the letter of presentation should embody the full facts as developed in our investigation.

As to the statement of Mr. Temkin in his letter of November 28, 1955, to your subcommittee that at my request he undertook to speak to the father of Mr. Calvin Sugarman in an effort to have the father prevail upon his son to cooperate with the postal inspectors, the fact is that Mr. Temkin requested me by telephone

to come to his office on August 27, 1954. I did so and made a note of what was said. He stated: "I have a clue for you—the best clue yet—Sugarman's father." I told the former United States attorney that we, the inspectors, had already discussed that angle. He then asked me whether he should talk to the father. I told him that as he had a legal mind I would have to depend on his judgment in such a matter. He, Mr. Temkin, then stated that he would like to have my opinion and I agreed that it might be a very good idea—that it might cause Mr. Calvin Sugarman to come in and tell us the true story, which we believe he later did. The evidence will show that up to this point the inspectors were not in any sense "stymied in their investigation" as alleged by Mr. Temkin.

As to the statement of the former United States attorney that "I also testified that I had, as a routine procedure, assigned the case to an assistant who thereafter handled it, including the presentation to the grand jury and that I at no time had read the postal inspectors' report in the case," the fact is that on December 3, 1954, I addressed a letter to Mr. Temkin as United States attorney, referring with particular emphasis to pages 8 and 9 of our letter of presentation of September 16, 1954, and listing witnesses and their testimony, and also to my interview with him, Mr. Temkin, in his office on December 2, 1954, in this connection. The witnesses mentioned in that letter of December 3, 1954, were the selection of the former United States attorney, Mr. Temkin, made during the visit to his office on December 2, 1954, after thorough discussion of the evidence each witness would be expected to testify to. I recall making shorthand notes of the witnesses he decided to be important. The information set forth in the letter of December 3, 1954, was set forth in the manner Mr. Temkin had indicated to me he wished it.

Very sincerely,

NELSON A. TACY,

*District Operations Manager and former Post Office Inspector.*

×









